

To be clear, here is what I said in 1967:

I believe it's recognized by most Senators that we are not charged with the responsibility of approving [justices] if [their] views always coincide with our own . . . We are really interested in knowing whether the nominee has the background, experience, qualifications, temperament, and integrity to handle this most sensitive, important, and responsible job.

But if someone would clearly fail to uphold basic rights, that should be considered and the Senate is entitled to know.

There are few debates more important than this one, and I look forward to considering this important nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3057, which the clerk will report.

The journal clerk read as follows:

A bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for fiscal year ending September 30, 2006, and for other purposes.

Pending:

Landrieu amendment No. 1245, to express the sense of Congress regarding the use of funds for orphans, and displaced and abandoned children.

Chambliss amendment No. 1271, to prevent funds from being made available to provide assistance to a country which has refused to extradite certain individuals to the United States.

Mr. McCONNELL. Mr. President, let me point out to all Members of the Senate that in spite of our best efforts to finish the State-Foreign Operations bill last night, right at the end, the amendments began to multiply. That is the bad news. But the good news is I can report that on the Republican side, shortly, we will be down to two amendments, one of which may—I repeat, may—require a rollcall vote. And I hope my friend and colleague Senator LEAHY is trying to narrow down amendments likewise on the Democratic side.

In the meantime, Mr. President, I ask unanimous consent that Senator LUGAR be added as cosponsor to amend-

ment 1299, which the Senate adopted last night.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1293

Mr. McCONNELL. I call up amendment No. 1293 and ask for its immediate consideration. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. LUGAR, proposes an amendment numbered 1293.

The amendment is as follows:

(Purpose: To promote reform of the multilateral development banks)

On page 326, between lines 9 and 10, insert the following:

#### TITLE VII—MULTILATERAL DEVELOPMENT BANK REFORM

##### SEC. 7001. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

(2) MULTILATERAL DEVELOPMENT BANK.—The term “multilateral development bank” has the meaning given that term in section 1622 of the International Financial Institutions Act (22 U.S.C. 262p-5).

##### SEC. 7002. ANTICORRUPTION PROPOSALS AND REPORT.

(a) PROPOSALS.—Not later than September 1, 2006, the Secretary of the Treasury shall develop proposals, including establishing one or more trusts and a set-aside of loans or grants, to establish a mechanism to assist poor countries in investigations, prosecutions, prevention of fraud and corruption, and other actions regarding fraud and corruption related to a project or program funded by a multilateral development bank.

(b) REPORT.—Not later than September 1, 2006, the Secretary shall submit to the appropriate congressional committees a report on the proposals required by subsection (a).

##### SEC. 7003. PROMOTION OF POLICY GOALS AT MULTILATERAL DEVELOPMENT BANKS.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o et seq.) is amended by adding at the end the following:

##### “SEC. 1505. PROMOTION OF POLICY GOALS.

“The Secretary of the Treasury shall instruct the United States Executive Director at each multilateral development bank to use the voice and vote of the United States to inform each such bank and the executive directors of each such bank of the goals of the United States and to ensure that each such bank accomplishes the goals set out in section 1504 of this Act and the following:

“(1) Requires the bank's employees, officers, and consultants to make an annual disclosure of financial interests and income of any such person and any other potential source of conflicts of interest.

“(2) Links project and program design and results to staff performance appraisals, salaries, and bonuses.

“(3) Implements whistleblower and witness protection matching that afforded by the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.), the Inspector General Act of 1978 (5 U.S.C. App.), and the best practices promoted or required by all international conventions against corruption for internal and lawful public disclosures by the bank's em-

ployees and others affected by such bank's operations of misconduct that undermines the bank's mission, and for retaliation in connection with such disclosures.

“(4) Implements disclosure programs for firms and individuals participating in projects financed by such bank that are consistent with such programs of the Department of Defense and the Environmental Protection Agency.

“(5) Ensures that all loan, credit, guarantee, and grant documents and other agreements with borrowers include provisions for the financial resources and conditionality necessary to ensure that a person or country that obtains financial support from a bank complies with applicable bank policies and national and international laws in carrying out the terms and conditions of such documents and agreements, including bank policies and national and international laws pertaining to the comprehensive assessment and transparency of the activities related to access to information, public health, safety, and environmental protection.

“(6) Implements clear procedures setting forth the circumstances under which a person will be barred from receiving a loan, contract, grant, or credit from such bank, shall make such procedures available to the public, and makes the identity of such person available to the public.

“(7) Coordinates policies across international institutions on issues including debarment, cross-debarment, procurement, and consultant guidelines, and fiduciary standards so that a person that is debarred by one such bank is subject to a rebuttable presumption of ineligibility to conduct business with any other such bank during the specified ineligibility period.

“(8) Requires each borrower, grantee, or contractor, and subsidiaries thereof, to sign a contract to comply with a code of conduct that embodies the relevant standards of section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) and the international conventions against bribery and corruption.

“(9) Maintains independent offices of Inspector and Auditor General which report directly to such bank's board of directors and an audit committee with its own additional experts who are independent of management, or access to such experts, to assist it in ensuring quality control.

“(10) Implements an internationally recognized internal controls framework supported by adequate staffing, supervision, and technical systems, and subject to external auditor attestations of internal controls, meeting operational objectives, and complying with bank policies.

“(11) Ensures independent forensic audits where fraud or other corruption in such bank or its operations, projects, or programs is suspected.

“(12) Evaluates publicly, in cooperation with other development bodies, the interim and final results of project and non-project lending and grants on the basis of Millennium Development Goals, the goals of the Organisation for Economic Co-operation and Development related to development, and other established international development goals.

“(13) Requires that each candidate for adjustment or budget support loans demonstrate transparent budgetary and procurement processes including legislative and public scrutiny prior to loan or contract agreement.

“(14) Requires that before approving any natural resource extraction proposal the affected countries disclose accurately and

audit independently all payments and revenues in connection with such extraction or derived from such extraction.

“(15) Requires each project where compensation is to be provided to persons adversely impacted by the project include impartial and responsive mechanism to receive and resolve complaints.”.

Mr. MCCONNELL. This amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. If there is no debate, without objection, the amendment is agreed to.

The amendment (No. 1293) was agreed to.

Mr. MCCONNELL. I move to reconsider and table that motion.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk called the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMHAM). Without objection, it is so ordered.

Mr. FRIST. Mr. President, today, we will be voting on final passage on the Foreign Operations appropriations bill. I want to take this opportunity to thank my colleagues for their tremendous work and, in particular, Senator MCCONNELL for his stewardship of this bill.

Diplomacy and foreign policy are the essential pillars of our national security. They reflect the values, principles, views, and interests of the people we represent, the American people. They are central to advancing the U.S. role and our place, our stature, in the world.

America's national security depends on our ability to integrate and coordinate all of the elements of our national power. It includes diplomacy, intelligence, economic strength, and military might.

The Foreign Operations bill advances those efforts and demonstrates our generosity and our priorities. The legislation provides \$9.7 billion to ensure that the Department of State and other related agencies and our personnel serving overseas have the tools, the equipment they need to advance America's security.

In the past year, freedom movements have swept the globe—in Ukraine, in Georgia, the elections in Afghanistan and Iraq, Lebanon, and the Palestinian territories—and have inspired literally millions around the world. Saudi Arabia, Kuwait, and Egypt have also taken demonstrable steps toward democracy. Having visited most of those countries, and having had the opportunity to speak directly to senior officials in each, I have seen real changes, impressive changes.

The spread of democracy unifies our values, unifies our national interests. As Americans, we believe every person has the right to live in a free society

where they can choose their own leaders, have a hand in their own destiny, and secure a bright future for their children. And democracy, along with all the hope and progress it brings, creates peace and stability between the United States and our friends and allies.

The Foreign Operations bill provides \$120 million for the Middle East Partnership Initiative to help spread democracy among the Arab people. By promoting economic, educational, and political reform in the Middle East, we marginalize our terrorist enemies. They lose their state-sponsored safe havens, they lose potential recruits, and they lose the ability to exploit political grievances for terrorist gain.

Democracy provides an engine for the people, not the terrorists, to win, to take responsible and peaceful action to better their lives, their countries, and hold their leaders accountable. The United States must continue to provide support to the activists and reformers in the Middle East. These heroes make great sacrifices for the cause of freedom, and they are critical allies in our fight against terrorism.

We must also continue to support our work providing aid and humanitarian relief. America leads the world in providing international aid. But too often international aid money never reaches the very people it is intended to help. It is stolen or wasted by corrupt or inefficient governments. That is why this bill strengthens accountability requirements. The Millennium Challenge Corporation requires recipient governments to take clear steps, verifiable steps, to govern justly in an open, transparent democratic way, to invest in people by improving education and health care, to promote economic freedom so their economies can grow and provide jobs. Against this backdrop, aid money can do the most good.

Today, many throughout the developing world—particularly in Africa, where I was 2 weeks ago—suffer from devastating diseases. We know them: HIV/AIDS, tuberculosis, malaria. These deadly diseases have the potential to decimate entire populations and to prevent those nations from ever becoming modern, prosperous countries.

The legislation before us allocates \$2.9 billion for the President's initiative against HIV/AIDS, tuberculosis, and malaria. Two billion of that total is directed to the Global HIV/AIDS Initiative, \$400 million covers our contribution to the Global Fund to fight AIDS, tuberculosis, and malaria. In total, the bill allocates \$203 million above the budget request for this coming fiscal year. These funds are targeted to help where it is needed most. They zero in on the 15 countries in Africa, Asia, and the Caribbean.

I again thank my colleagues and the President of the United States and the American people for their generosity and for their leadership in this great humanitarian effort.

A number of other health-related programs are also incorporated into

the foreign operations bill—\$1.6 billion has been allocated for the Child Survival and Health Programs Fund. This includes \$375 million for child survival and maternal health, which is an increase of \$49 million above last year's level. In addition, this funding includes \$30 million for vulnerable children and an additional \$285 million for infectious diseases.

Today, around the world, there are more than 600,000 pregnancy-related deaths and more than 4 million deaths among newborn babies per year. Most of these tragedies are preventable. The Foreign Operations bill provides \$375 million to prevent these deaths.

Many of these problems we see around the world stem from the lack of available clean drinking water and proper sanitation in many regions of the world. Water-related illnesses pose fatal threats to vulnerable populations, especially children.

Every 15 seconds a child dies from a disease contracted from unclean water. According to the World Health Organization, approximately 1.1 billion around the world lack access to clean, safe water sources; 2.6 billion people lack access to basic sanitation.

As a result, approximately 1.8 million people die very year from diarrheal disease. Ninety percent of those deaths occur in children under the age of 5.

And if we do nothing, with an increasing world population and further constraints on our world's water resources, the problem is only expected to get worse.

I commend the assistant majority leader, Senator MCCONNELL, the chairman of the Foreign Operations Appropriations Subcommittee, for providing \$200 million to the U.S. Agency for International Development for safe water programs in his bill. Fifty million dollars of that amount is targeted to programs in Africa where the need is great.

Private, nonprofit sector programs are also working hard, including the Millennium Water Alliance, Water for People, Water Leaders Foundation, and Living Water International. These groups are dedicated to delivering comprehensive, safe water technologies throughout the globe.

Some are building major infrastructures. Some are digging wells and providing hand pumps to villages. Others are developing lightweight, low-cost, low-energy water purification systems that could be available to distribute to communities, schools, and orphanages for combating water-related diseases in Africa.

I commend all of these organizations for their dedication and compassion. Together we are working to make this an International Decade for Action known. In 10 years, we intend to cut in half the number of people around the globe who lack access to safe, clean water.

Another demonstration of America's compassion is our work with the effects of civil strife, especially war and

violence. This appropriations bill will provide \$74 million for the Conflict Response Fund to assist in stabilizing and reconstructing countries impacted by conflict or civil strife.

In addition, \$900 million is allocated for Migration and Refugee Assistance and \$40 million for the Emergency Refugee and Migration Assistance Fund.

Unlike many donor countries, the United States strives to ensure that foreign assistance is effective, that it is distributed to those who need it the most, and that it gets measurable results.

In addition to foreign aid, the foreign operations bill also addresses the most dangerous threats we face today—the spread of weapons of mass destruction and the global war on terrorism. This bill provides \$440 million for non-proliferation, anti-terrorism, and other related programs.

We are working closely with our friends and allies to secure stockpiles of WMD-related materials and technology, and make sure that they have the capability to protect these sensitive materials.

The bill also provides funding and assistance for our coalition partners in the global war terrorism. The legislation includes \$4.6 billion for foreign military financing.

This funding, along with other national resources committed by our coalition partners, is essential for improving the capabilities of our coalition allies so that they can continue to make their vital contributions to this global effort.

The \$86 million allotted for the international military education and training programs will ensure that our allies maintain the ability to work closely with American forces on the battlefield and take independent initiative to the fight against terrorism.

The United Nations also has an important role to play in the advance of democracy and the fight against terror. The world organization provides a medium for nations to discuss and resolve differences peacefully through dialogue and diplomacy.

It also monitors particular international agreements to ensure that nations are fulfilling their obligations and commitments. The U.N. is also critical to organizing and providing humanitarian and other assistance to the world's most desperate regions.

In order to carry out these functions effectively, however, the U.N. must undergo serious reform.

The United Nations needs to take action against its officials who are guilty of waste, fraud, and abuse. And it must also take steps to make the organization as a whole more accountable, transparent, and efficient.

The United Nations has many positive contributions yet to make. But, in order to fulfill its mission, it must do more to clean house.

America's foreign policy reflects the values, beliefs and culture of the American people and the history of our great

Nation. By advancing our values abroad, the United States not only makes the world a better place, it makes it a safer place, too.

As a free people, we are duty bound to share the blessings of liberty with citizens around the globe.

Our generation, no less than the one before, is compelled to confront the challenges of our times—and to fulfill America's destiny, in the words of the Great Emancipator, as mankind's last, best hope.

#### SUDAN

Last night, the Senate passed a resolution to support the fragile peace process between the government in Khartoum and the southern Sudanese. I applaud my colleagues for their compassion and concern for this troubled region of the world.

The resolution calls upon the U.S. Government to closely monitor the peace process now underway. It also focuses our attention to the continuing crisis in Darfur, and calls for continued pressure on Khartoum to end its genocidal campaign and bring justice to the criminals who have ravaged the people and the land of Darfur.

Eleven days ago, the leaders of Sudan took an historic step.

John Garang, leader of the Sudanese Liberation Army, returned to the capitol of Khartoum for the first time in 21 years to be sworn in as Sudan's vice president. Dr. Garang told the cheering crowd over a million strong, "My presence here today in Khartoum is a true signal that the war is over."

Together, he and President Bashir signed a new interim constitution officially forming the National Unity Government of Sudan. Under this agreement, Sudan will enter a 6-year interim period. At the 4-year mark, nationwide elections will be held at the provincial level, as well as for the national legislature. The interim period will culminate with a vote by the people of southern Sudan deciding their political future.

After two decades of brutal civil war that has killed 2 million people and displaced over 4 million more, north and south are finally on the verge of genuine peace.

It is a fragile moment, but one for celebration.

Last month, I had the opportunity to meet with Dr. Garang in my office here in Washington. During our meeting, he emphasized to me that for the peace to hold, both parties must fulfill their obligations under the peace agreement signed last January.

He also stressed that pressure from the United States is critical. The civil war and its aftermath have created a staggering humanitarian crisis. And he is not confident the government in Khartoum will fulfill all of its obligations under the Comprehensive Peace Agreement. Dr. Garang firmly believes that U.S. and international sanctions are necessary to keep the process moving forward.

During our meeting, he also told me that we can help him sell the peace to

the Sudanese people. Our assistance in education, health care, and roads, for example, can help show a traumatized Nation the benefits of peace over continued violence.

The road forward will not be easy. Millions have lost their lives in 20 years of struggle. But the days, weeks and months ahead hold great promise not only for the north and south, but for the entire country.

Nowhere is that hope more needed than in the western region of Darfur

For 2 years, the Sudanese Government has waged a brutal genocide against the Darfur people. Despite United Nations Security Council resolutions, and pressure from the international community and neighboring countries, the Government of Khartoum continues to kill and maim.

Up to 180,000 innocent victims have died as a result of the government-sponsored violence. Two million more have been displaced. Entire villages have been burned to the ground.

Last November, the Khartoum Government agreed to halt the attacks. But within hours of the agreement, Sudanese police raided a camp in southern Darfur, destroying homes and driving out civilians.

I have visited the region and have heard the stories first hand.

Last August, I visited a refugee camp called Touloum in Chad. Thousands of refugees are housed in dust-covered tents. Many more live in make-shift shelters of gathered wood and plastic sheeting.

I met with refugees and community leaders. Their testimonials were searing.

I heard the story of a mentally disabled 15-year-old boy being thrown into a burning house, and of an old, paralyzed man burned alive in his hut.

I heard stories of women raped in front of their own children, and male villagers being summarily executed.

I asked one refugee in Touloum what it would take for him to go home. He said, "I'll go if you come with me and stay with me."

Last week, the Government of Sudan and the rebels in Darfur signed a Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur. This agreement provides a framework for negotiations.

In order for it to work, however, all parties must stop the violence now. The conflict will only be resolved through peaceful negotiations and dialogue.

The United Nations has taken limited steps to punish those responsible for the atrocities. In March, the U.N. Security Council voted to freeze the assets of individuals deemed guilty of committing war crimes or breaking cease-fire agreements. It also voted to ban these individuals from traveling.

In addition, the Security Council voted to forbid the Sudanese Government from carrying out offensive military flights over Darfur, and from sending military equipment into the

region without first notifying the Council.

The introduction of troops into Darfur from the African Union is a positive development. There are currently 2,400 African Union troops in Darfur. By August, that number should go up to 7,700 and by next spring 12,300. NATO has also agreed to provide logistical support to the African Union peacekeepers in Darfur.

These are hopeful and helpful measures. But more must be done. The violence will continue to escalate and the death toll will rise unless, and until, the international community takes stronger action against Khartoum.

The world's leaders need to impose more comprehensive sanctions on the Sudanese Government, including on its oil industry. Tough and intense pressure must be brought to bear.

The progress between the south of Sudan and Khartoum is promising and should guide the way forward in Darfur.

But time is running out. We cannot "wait and see." The Darfur people need our help. They are crying out for support. We must act, now, before it is too late and their voices fade to silence.

CUBA

Today, we have an opportunity to assist the Cuban people in their struggle for liberty. The Foreign Operations bill under consideration provides funding for an airplane to transmit Radio Martí, around the clock, providing constant support to those on the island fighting for freedom.

I urge my colleagues to support this effort. Radio Martí has been critical in promoting the cause of Cuban liberty.

Since its inception 20 years ago, Radio Martí has brought news to and from the isolated country in defiance of Castro's censors.

On May 20, 1985, at 5:30 in the morning, Radio Martí launched its first broadcast to the Cuban people. Fourteen and a half hours of uncensored news reached Cuba from a studio here in Washington, DC, via transmitters in Marathon Key.

Named after the Cuban intellectual and patriot, José Martí, the station broke through Castro's propaganda machine and offered the Cuban people news, entertainment and discussion with Cuban journalists, thinkers, writers and entertainers.

In just a few short years, Radio Martí became the most listened to station in Cuba.

Many Cuban reporters now send their stories to the U.S.-based station to bypass the government and beam directly into Cuban homes. Over the years, dissidents and human rights advocates have come to rely on these transmissions for strength and hope.

As President Reagan told an audience back in 1983 while Congress was debating the Radio Broadcasting to Cuba Act, "there is no more important foreign policy initiative in this administration, and none that frightens our adversaries more, than our attempts

through our international radios to build constituencies for peace in nations dominated by totalitarian, militaristic regimes."

In 1990, TV Martí was launched, bringing in a new wave of free media. Within 23 minutes of its first broadcast, Castro jammed the airwaves, but his success was only temporary.

Like its radio companion, TV Martí offers political news and debate. It also airs soap operas and sports.

Whether as news or entertainment, these broadcasts help to spark the imaginations and aspirations of the Cuban people. They pierce the regime's imposed isolation and bring the Cuban people into the world community, and the world community to the Cuban people.

To this day, the Communist party controls all formal means of mass communication on the island. It has constructed a complicated apparatus of censors and technology to air its propaganda and smother divergent views. All print and electronic media are considered state property under the control of the party. Foreign magazines and newspapers are outlawed as subversive material.

That is why Radio and TV Martí are so critical. And that is why I urge my colleagues to amplify our efforts now.

José Martí once said that, "Others looked at radio and saw a gadget; his genius lay in his capacity to look at the same thing, but to see far more."

I urge my colleagues to share the vision held by our former president Ronald Reagan when he first proposed Radio Martí. The Wall had not yet fallen, and millions of people still lived under the boot of the brutal Communist empire.

But he knew that Radio Free Europe was reaching and inspiring millions of men and women trapped behind the Iron Curtain, in bleak Communist towns and in dark Communist prisons. And like Radio Free Europe, he knew that Radio Martí would reach and lift up those living in the Communist island just 90 miles from our southern shores.

So, today, I urge my colleagues to continue our support for the aspirations of the Cuban people.

With just one plane and one radio station, we can broadcast the call of freedom to millions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1245

Ms. LANDRIEU. Mr. President, I call up amendment No. 1245. I understand there will be a request to set the vote at 2 o'clock on the amendment.

The PRESIDING OFFICER. The amendment is pending.

Ms. LANDRIEU. Mr. President, amendment 1245 is offered on behalf of myself, Senator CRAIG, and others to focus some time and discussion on the issue of family, of stability, of permanency for children around the world. I couldn't agree more with the Senator from Tennessee when he says this underlying bill, the bill that funds all of our foreign operations, assistance to many countries throughout the world, countries that are developing, countries that are well established, that share our values, that one of the most critical components of this underlying bill is to advance American values around the world.

We know not every action we take is perfect. We know not every thought we have is exactly right. But Americans believe we work hard at establishing good values. We know we are not perfect, but we try to get better and better each decade and each century. I could not agree more with the Senator from Tennessee when he says this bill in particular is a bill that helps us to advance our values around the world.

One of the values all Americans believe in is the value of family, the importance of family, the importance of the principle that children should in fact be raised in families. Children don't raise themselves. Governments don't raise children; parents raise children. And sometimes one responsible parent raises a child. That is the way it has been. That is the way we like to see it. It is the way we want to promote it here at home and abroad.

Senator CRAIG and I offer this amendment with others to express the sense of Congress regarding the use of the funds in this bill, which are substantial in section 3, for orphans and displaced and abandoned children. This amendment simply says our money in this bill should be laid down by USAID. We are not earmarking any money. We are not adding any money. We are not spending any additional money, just the money that is in this bill, that Members have said we want to send out to countries, should recognize the principles of The Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, should recognize the principle that children should stay with the families to which they are born. Our aid, whether it is for economic development or for education or health, should recognize the dignity and respect of each individual family unit. Try to keep children who are born to a family connected to that family.

Sometimes we know that doesn't happen or, unfortunately, it can't happen. War, disease, famine, violence separate children from their natural parents. When that happens, it is the principles of the United States, the values of the United States that we proudly share with the world to say that child who is orphaned should not be left alone to raise themselves. That child should be placed with a loving, caring, responsible relative as quickly as possible, someone in the extended family.

It could be the grandmother, grandfather, responsible aunt or uncle, perhaps an older sibling, not 12 years old, not 13 years old, but a 20-year-old or a 30-year-old, to raise that child and then that family unit continues.

When there is no responsible adult in that family, then our principles say we should then look for some other family, perhaps a neighbor, another family in the community, a friend of the family to take that child or those children in and raise them and try to instill good values and security and happiness for that child's harmonious development.

If there is no family to be found within the neighborhood, the village, the community, then we should, as a human family, find some family in the world to take in that child. It is the miracle of adoption that is occurring all over this country and all over the world.

My husband and I have adopted children. We are very proud of our wonderful children. Many Members of Congress have added to their families or created their families through adoption. It is becoming something that Americans understand and believe to be important. There should not be any orphaned children, any waiting children. They are just unfound families, and we need to do a better job of connecting children who need homes with loving parents who will give them that support.

I come to this issue not just from a personal perspective but even before we went through this miracle of adoption ourselves, I understood this to be the truth. Children can't raise themselves. I was raised in a home, the eldest of nine children, with two loving parents. Many of us had wonderful experiences as we were growing up. We understand the value of keeping children protected and nurtured in the family setting. We come to this floor all the time trying to stop child trafficking, stop child abuse, mental illness, promote special education. The best way to stop some of that is to connect children with responsible adults who will raise them. It saves the taxpayers a lot of money, saves a lot of pain, saves a lot of anguish. That is what Americans, whether they are Republican, Independent, or Democrat, believe in. That is one thing I am confident of and need no poll to tell me.

I am a little surprised that when we laid down this amendment, we thought it would be accepted without any discussion, but there evidently is some hesitation. There is some sense that USAID doesn't agree with that. I am interested. If some Senator would like to explain USAID's position that they don't think families are important, I think the Congress would love to hear that. It would be quite a surprise to those of us who are appropriators who fund USAID and actually believe in so much of what they are doing, that they have a problem with an amendment that simply says children belong in

families. That is all this amendment says.

Last year Americans adopted 120,000 children. Twenty thousand children came from many countries around the world to find a happy home here in America. One hundred thousand children were adopted, half of them out of our own foster care system which we recognize has some strengths but some weaknesses. We are working on that. We admit our long-term foster care has kept children in limbo for far too long. It has been a barrier, sometimes, to appropriate reunification. It most certainly has been a barrier to adoption.

Senators such as Senators ROCKEFELLER, DEWINE, CLINTON, and others have spent many years working to reform that system. We are making a lot of headway. We are proud of it. But we had over 50,000 children adopted out of foster care.

Two children visited my office yesterday. They were 12 and 10, precious little boys from Louisiana. They said: Senator, we want you to meet our new mom. We were just adopted.

I asked the mom: Could I please speak to the children privately for a few moments?

She said: Fine.

So I had the little children in my office. I said: You don't have to tell me any of the details. I know it has been difficult. I just want to know, are you OK, are you happy?

They said: Senator, we are very happy with our new mom. She was our foster mom for a number of years. She is doing her best. Our parents just haven't been around.

I didn't want to go into too much detail with the children. But their little eyes were so hopeful. I walked out and I said: Congratulations. These two children now have a loving adult mother who is going to raise them and give them a future that they didn't have in the first years of their life.

I thank the Senators for all of their work and what they have done in that regard. We are making a lot of progress in our Nation. So this amendment basically recognizes that and says that we believe we should do everything we can to keep children in the family to which they are born. But when that separation happens, through all the things that I said about what can cause it, we need then to establish a permanent plan for children that tries to place them in another family as quickly as possible. Domestic adoption first. But if there are no families willing to adopt in that community or country, then intercountry adoption into the human family becomes very important before orphanages, institutions, et cetera.

So that is what this amendment does. It lifts our values that the Senator from Tennessee spoke about, lifts language from laws we have already passed in overwhelming numbers on this Senate floor, and it says in this amendment that all of the money in section 3 should recognize these principles.

There are over 54 countries in the world that have basically signed and ratified and are in the process of implementing these principles that are in the Landrieu-Craig amendment. This amendment says that sometimes temporary refugee camps are necessary, where children are temporarily separated because of war. But when the permanency plans begin to be made, let's make sure we put domestic adoption and intercountry adoption before long-term institutional care or, for that matter, letting children out on the streets to raise themselves. It is very clear.

So I say, again, that I hope we can get a strong, bipartisan vote on this amendment. I am sorry that there has been any difficulty. It was not meant to be that way. But I felt this issue had to be clarified in the bill because I was hearing too much at hearings, seeing too many things in letters that were passed on some of these issues that it gave me pause to think, I wonder if the USAID position is truly reflecting the position of the Congress, of the current Bush administration, of the State Department, which is the stated policy in support of the idea that children belong in families.

So I am hoping that with the cosponsors we have on this amendment we will get a strong vote affirming that intercountry adoption may offer advantages of a permanent family to a child or children for whom a family cannot be found in the child's home country. Let me state again:

Affirms that intercountry adoption may offer advantages of a permanent family to a child for whom a family cannot be found in the child's state of origin.

That seems to be controversial language. I cannot see it.

No. 4:

Affirms that long-term foster care or institutionalization are not permanent options and should, therefore, only be used when no other permanent option is available.

That is clear. We want to try to find a child a home, a real family. And there are 40 million orphans in the world, so this is not an easy task. But it is doable if we all work at it. If we cannot find children a home, if we have worked hard to look for a home for somebody that would take them in their own country, and we look internationally and try to find a family that would take them in, and we cannot find that, then, of course, we can have long-term institutions and foster care as the last and final option.

Please, let's give children a chance. In New Orleans right now—I had pictures sent to me—14 little orphans from Russia, between the ages of 5 and 12, through a program that many of us support, came over to the United States and spent 6 weeks in New Orleans. You know what the great news is? Yesterday, 12 of those 14 children are going to find permanent homes here. These children are older, but they are not damaged goods. Just because they are not little 3-month-old infants or 6-

month-old infants, they have a bright future. God gave them a lot of talent. They are stuck in an orphanage, where they have very little hope and opportunity. At the age of 15, they will be turned out on the street to fend for themselves.

If you want to talk about child prostitution or trafficking or what happens to children when they leave an orphanage at age 15, with no parents, no means of support, and no education—this amendment cuts down on child trafficking. This amendment cuts down on child exploitation. This amendment cuts down on child prostitution. If you can connect a child to an adult that will protect a child, that is the parents' primary job, protecting our children, and most parents do that very well.

For me to stand on the Senate floor and have to argue this to the agency that is sending out money around the world because they think this is not what other cultures are about—I am not an expert. I am a sociology major, but I never read where a family is not the primary building block of the community. If anybody knows of any other culture that doesn't recognize the family, let me know because in all of my reading, I have never read that anywhere. In every culture, family is important. We might describe it a little differently, and we may have different views about what a family looks like, which is not the subject of this amendment, but I don't know any culture anywhere in the world that doesn't think family is important.

So when USAID stands there and tells me something such as, it is not really in other cultures that this is important, I say, hogwash. Families are important. We define them differently. We respect the different views of how families come together. But in every culture adults raise children, and that is all this amendment says. It says, as a last resort, when you cannot find a family for a child—when you have tried and cannot find a family—then go ahead and build your orphanages, your institutions, and I hope that they will build them in a way and staff them in a way that these children know that, despite the fact they don't have a mother, father or someone to love them, they can be raised with a skill so that they can find their way. It is difficult when you are on your own. Children have done it before, and they will do it again. But for heaven's sake, can we try to find them a family?

Senator CRAIG and I offered this amendment. We cochair the commission on adoption. We have 180 Members of Congress who feel very strongly about this issue. I don't think we should be debating it, but for some reason we are. Our Members are Republicans and Democrats. None of our Members can understand why we are having this discussion, but here we are.

So this amendment simply, again, reaffirms its commitment to the founding principles of the Hague convention on the protection of children, recog-

nizing that each country should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin. But when that is not possible, they should strive to place the child in a permanent and loving home through adoption. It affirms that inter-country adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's country. It affirms that long-term foster care or institutionalization are not permanent options and should, therefore, only be used when no other permanent option is available. It recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

I congratulate President Bush and his administration for agreeing to a breakthrough amendment with the country of Vietnam recently to open up again international adoption. There were some corruption issues. There was some lack of transparency in the process. There was some concern that this was not operating as smoothly as it should. So it was temporarily suspended. But because of the good work of the President and the President's administration, that was basically recreated. I have a copy of the agreement.

When an agency such as USAID tells me; "We like what you are saying, but it is not our policy," I am confused because the President of the United States signed an agreement with Vietnam that has the same language of The Hague, in the first paragraph of this document: Agreement between the United States and the Socialist Republic of Vietnam. Clause 1, clause 2, and clause 3 are exactly this amendment. Forty-one Members of the Senate and the Congress signed a letter to the President of Romania outlining this exact principle. So the 41 Members who signed this letter, and myself, are very confused as to why this amendment is a problem. Again, I offered it to clarify.

This will be a great clarification to USAID that, unequivocally, the Members of this body and the House of Representatives, when this is passed, say that we value families; we think children should be in families; we want to do everything we can to connect children to families; we think they should stay in the families to which they are were born but, if not, find one close to home and, if not, someplace in the human family for them. End of story.

If that all fails, go ahead and build your orphanages and institutions. I don't know of anybody who grew up in an orphanage that liked it—not one person. I don't know anybody alive that ever told me that they had a happy time growing up in an orphanage. That is not a value that Americans believe in. I have had lots of people tell me they were so happy to grow up in a loving family. I have had people cry to me and say: I spent time in an orphanage my whole life. Nobody ever came for me, Senator. I have had peo-

ple tell me that. I have never had anybody say to me how happy they were to grow up in a refugee camp or an orphanage.

I am not spending a penny in this bill to promote the idea that children could be happy being raised in an orphanage when one caregiver comes in for 300 children. I have been in a lot of these orphanages. Some of our other members have been also. I have traveled all over the world to some of these orphanage. I cannot describe the horrors of what I have seen. I cannot sit here on the floor of the Senate and let this go through being a little unclear. This is very clear to me, and it should be very clear to the Members of this body.

I know we are going to vote at 2 o'clock. I appreciate my colleagues giving me this time to express myself. I obviously feel strongly about it. Many Senators and House Members feel strongly about this. We are doing this here in the United States. This is our policy. So we need to promote, as Senator FRIST said, our values—not force them, but promote them. Nothing is being forced here. We are promoting and saying, these are our values. We believe family is important. We are giving plenty of room in this amendment. We understand that there might be some contingency plans that have to be made, but let's try to connect children to families. I think it is the least we can do. I wanted to clarify that this is a value of the people of the United States of America.

I yield the floor and reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I would like to take this opportunity to add just a few more items for the record on the subject about which I was just speaking, which is the Landrieu-Craig amendment on international adoption, domestic adoption, and family preservation.

One of the items that got my attention which prompted the offering of this amendment was a National Public Radio commentary, which I want to submit for the RECORD, after the tsunami disaster. I had the opportunity to visit the region affected with the Senator from Tennessee. I spent 3 days on the ground reviewing the damage in Sri Lanka and all over the devastated area.

This is what prompted this amendment, when we were focused on the issue of these children having been displaced. Of course, we remember the devastation that occurred. Children were tragically separated from their families. There was great interest in the children who might have been orphaned in that disaster and whether they could find a home elsewhere.



There was a great coalition of people in the United States and around the world who felt strongly about that. We began working on it and encouraging that children who had been orphaned, whose parents had been swept out to sea, the children who survived, of trying to place them with relatives, along the lines of what I have been speaking.

Then there was this NPR commentary, and I would like to read a paragraph of it into the RECORD:

Jaco spends his days—

This is a UNICEF worker funded in part by USAID—

walking through refugee camps, trying to find orphans. He's not from Aceh; he's a social worker from nearby Medan who came here as part of—

The Government's efforts at a child welfare program that is working with UNICEF to care for children who have lost their parents.

This worker is walking through this refugee camp, and he finds an orphan, according to NPR, and he finds the orphan's aunt. He says to the aunt: We would like to take this child to one of the Islamic boarding schools.

The aunt says: No, I would like to help raise this child.

The worker then is in a discussion trying to convince the aunt to let the orphan be raised in a boarding school.

This is what started this whole amendment. I know one cannot believe everything one reads in the newspapers, and one cannot believe everything one hears on the radio, but when we investigated this and looked into it, we found that this, in fact, was a pattern that was occurring; that our money was being used to fund workers who, instead of being so happy that they found an aunt for this child and saying, "We have a program that can help; we know it is difficult; you are probably raising three or four other children; we are appreciative that you are taking in this orphan," our money was being used to promote something completely contrary to our views and policies, which is: Oh, don't worry, let the government take this child and raise it in a boarding school.

Whether it was a Christian boarding school, Islamic boarding school, Muslim boarding school, the Christian, Muslim, or Islamic boarding schools are not the same as being raised in a Christian, Muslim, Islamic family. That is the point.

What happens is, if we don't make this clear, it will end up that money is going to support orphanages and discouraging the reunification of orphans with their families.

I ask unanimous consent to print in the RECORD this commentary by National Public Radio which has prompted this whole initiative, if anyone has questions about it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS: INDONESIAN GOVERNMENT BANS ADOPTIONS OF TSUNAMI ORPHANS

Steve Inskeep, host: Indonesian authorities are trying to provide security to some of the

most vulnerable victims of last month's tsunami. In the province of Aceh, an estimated 35,000 children were orphaned or separated from their parents. The government has temporarily outlawed adoption in that province. Its plan is to send the orphans to Islamic boarding schools instead, but the schools are not ready and it's hard just to identify the kids who need help. NPR's Adam Davidson reports from Banda Aceh.

Adam Davidson, reporting: Jaco(ph) spends his days walking through refugee camps, trying to find orphans. He's not from Aceh; he's a social worker from nearby Medan who came here as part of Pusaka Indonesia, a child welfare group that is working with UNICEF to care for children who have lost their parents.

Jaco (Social Worker): (Foreign language spoken)

Davidson: Today he's in Berwang Hitan(ph), an Indonesian army base that has been transformed into a refugee camp. It's right under the flight path of US Navy helicopters. He lifts the flap of a thick canvas tent, walks in and asks the dozen or so people sitting on mats if there are any orphans here. At the first tent, they say no. There was one, but some cousins came by the other day and took her away.

Davidson: At the second tent, he finds Suryani(ph), a five-year-old girl, standing in a pretty green dress. She's been watched over by a cousin, Harati(ph), who is also caring for her own infant son.

Harati (Tsunami Survivor): (Through Translator) I found her when we were running from the tsunami.

Davidson: Harati says she watched Suryani's parents drown when the tsunami struck their village, Lampung. She grabbed the little girl and now considers her her own daughter. Jaco writes down Suryani's information—name, age, parents' name, home village—and then tells Harati that it will be very difficult for her to care for Suryani, since they no longer have a house or any possessions.

Jaco: (Foreign language spoken)

Davidson: He says she should send Suryani to one of the new Islamic boarding schools that will open soon. The girl will be well cared for, and the family can visit on weekends. Harati thanks Jaco and smiles. When Jaco leaves, she says that she's not sending Suryani anywhere. She'll take care of the girl on her own. Jaco is sympathetic, but thinks Harati is wrong.

Jaco: (Through Translator) If we think psychologically it's normal if their family would like to take the orphans then, but if we think logically, right now they don't need only being with the family but they need food, they need education, they need therapy from the psychologists to make their life normal again.

Davidson: Jaco and his small team have identified 56 orphans so far, 20 in this camp alone. There are dozens of children here, most of them with their parents. Pusaka Indonesia, the child advocacy group, has set up a special children's area in the corner of the camp. There's a host of teachers and social workers who watch over the kids. Vivi Sofianti is a child psychologist. She leads them in games and songs.

Davidson: She says they stop being depressed when they sing.

Ms. Vivi Sofianti (Child Psychologist): (Through Translator) What I've learned from them right now, they really need entertainment to forget their—what will happen to them.

Lucman(ph) (Tsunami Survivor): (Foreign language spoken)

Davidson: Lucman, 45, walks up to a table under a canopy next to the children's area. He's looking for his 15-year-old son,

Maludin(ph), and his nine-year-old daughter, Safrida(ph). He hasn't seen them since the tsunami destroyed their neighborhood, Pulanga Han(ph), in downtown Banda Aceh. Lucman spent the last two weeks searching for them in dozens of refugee camps. A Pusaka Indonesia worker takes down the children's information. All the data is entered into a database in two computers next to the desk. There's a list of hundreds of parents and dozens of children. The goal is to link the children Jaco and his team find with the parents who are searching for their own. Deni Purba runs the operation.

Mr. Deni Purba (Aid Worker): I believe half of them will find their relatives. That's why we are here.

Davidson: There are similar programs all over Aceh province. But in the end, Purba believes, thousands of children will be left with no relatives at all. He says it will be up to the Indonesian government to decide what to do with those who are alone. But, Purba says, the best solution is the one the government is planning, to send all the orphans to boarding schools.

Davidson: Adoption wouldn't work.

Mr. Purba: No, we don't support adoption, because is not Acehenese culture.

Davidson: There are rumors of child sex traffickers prowling for orphans. There are stories of foreigners buying Acehenese children. Purba says the children have suffered enough trauma and should be kept here, where people speak their language and know their culture, and where the orphans can help each other adjust to a new kind of life.

AMENDMENT NO. 1242

Ms. LANDRIEU. Mr. President, yesterday, there were several amendments voted on and, unfortunately, I was not here yesterday. I was attending a funeral of one of our State officials who unexpectedly passed away. Had I been here, I would have voted with my colleagues in rejecting the Coburn-Boxer amendment to the fiscal year 2006 State and Foreign Operations appropriations bill, which is the bill about which I am speaking.

Mr. President, while the vote on this amendment was taking place, as I said, I was returning from the funeral of my dear friend and Louisiana Secretary of State, the Honorable Fox McKeithen. Had I been here, I would have voted with my colleagues in rejecting the Coburn-Boxer amendment to the fiscal year 2006 State and Foreign Operations appropriations bill.

In preparation for this vote, I co-signed a letter, along with my colleagues Senators FEINSTEIN, SANTORUM, and SPECTER requesting that Senators vote against the amendment. I have concluded this amendment would derail something that would benefit both China and the United States at a critical time in our two nations' history.

In this, the most important bilateral relationship of the 21st century, it is crucial that both countries continue to work in cooperation with one another.

The Shaw Group-Westinghouse consortium is the only American team bidding on a contract to construct four advanced-designed nuclear powerplants in China.

This deal has the full support of the U.S. Department of Energy which has authorized that the Shaw Group and Westinghouse Consortium work in the

People's Republic of China, PRC. The National Nuclear Security Administration, NNSA, has thoroughly reviewed the proposal and determined that concerns over national security are negligible.

Nuclear safety and technology transfer are key national security issues that nobody takes lightly. After much deliberation and consideration of these sensitive issues, it is clear that this deal is good for both the United States and China.

The AP1000 advanced design nuclear reactor is one of the safest nuclear reactors in the world and is on the cutting edge of nuclear technological innovation. This innovation will yield significant economic and environmental benefits.

This proposal would support a significant number of high value U.S. export oriented jobs in the manufacturing and engineering services areas.

At a time when Americans are concerned about their jobs, we should demonstrate through initiatives such as this that we have their economic best interests at heart.

The Shaw-Westinghouse Consortium benefits small businesses by virtue of the many U.S. subcontractors that will be used during the implementation phase of this contract.

The Consortium's bid would create or sustain more than 5,000 high-tech U.S. jobs, and provide ongoing jobs for many years to come, not just for the China project, but for sales in the United States and other global markets.

This proposal seeks to address not only jobs, but the tremendous trade imbalance between the United States and China.

The U.S. Export-Import Bank exists to provide financing of last resort to assist exporters in order to create jobs and export growth for the U.S. economy.

This deal would be consistent with the 1985 Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy.

To limit the purchasing of U.S. civilian nuclear energy technology to the Chinese would be disastrous to our bilateral relations at a time when we must engage the Chinese and to cloak this proposal in anti-Chinese rhetoric is doing a disservice to the American people.

These exports to China will most assuredly yield significant benefits to companies and workers in the United States and assist in the promotion of the safe, reliable, and efficient growth of nuclear power in China, something which will be essential to both countries.

The chief competitor is AREVA, a French company. AREVA will have the full support of the French equivalent of the Export-Import Bank, COFACE.

If this amendment is passed it will not punish China, but reward the

French and other European economies and exporters who will clearly prevail should the Shaw-Westinghouse consortium be denied competitive financing.

This is precisely the sort of investment our country should make to ensure that we continue to create and sustain high-tech industrial jobs in the United States and the continued growth of the nuclear power industry, which will assist as we seek more self-reliance in the energy sector of the economy.

In no way will the taxpayers be fleeced by this project. The loans associated with the Chinese nuclear power project are made to Chinese customers and are guaranteed by the Government of China.

The taxpayers are not subsidizing these loans and are not at risk according to major credit agencies who evaluate sovereign risk. In addition, the Export-Import Bank of the United States charges an exposure fee commensurate to the credit risk being taken. For over a half century the Ex-Im Bank has supported equipment and services for nuclear power projects in China.

If we do not proceed with caution, the threats of anti-Chinese sentiment will tarnish a productive bilateral dialog for every issue that emerges with China.

The Shaw Group-Westinghouse Consortium has a sterling reputation and a distinct advantage with its cutting edge technology. If this deal would have been thwarted in the Senate, it is the United States that would have been punished, not the Chinese.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, while Senator LANDRIEU is still on the Senate floor, Senator LEAHY and I were just discussing the following unanimous-consent request which will get her vote at 2:30 p.m. Let me say before propounding this unanimous-consent request, Senator LEAHY and I are working on trying to get all the remaining amendments and final passage dealt with at the same time around 2:30 p.m. We are not there yet. But I will start by asking unanimous consent that the Senate proceed to a vote in relation to the Landrieu amendment No. 1245 regarding orphans at 2:30 p.m. today, with no second-degree amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Madam President, I am just wondering if perhaps the Senator from Kentucky, who has dual responsibilities as chairman of this subcommittee and as the Republican

whip—maybe we should talk in our respective cloakrooms—we have a number of people we know who want to offer amendments—that we get perhaps a unanimous consent agreement, and the time we can work out, sequencing each of those amendments. I don't know about time at the moment. I am trying to think of some way—we have been on this bill since Friday. A lot of us have other matters to attend to, including meetings with the President's nominee to the Supreme Court. Senator McCONNELL and I have sat here through hours of quorum calls. I think it is time to fish or cut bait. I say this to our cloakrooms, this may soon turn into a unanimous consent agreement and will require each of these amendments to come up and either be voted on or withdrawn.

I don't know how else we get it done. We have been several hours in quorum calls so far, and some of us have other things to do. I have no problem with somebody getting a vote. Vote for it or against it, but let's get it done.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I am checking right now on the possibility of adding to the 2:30 p.m. vote the one amendment left on this side that might require a vote. I will know shortly. We should be able to add that to the queue at 2:30 p.m. That will give us two votes at 2:30. Senator LEAHY indicated he is working on trying to get additional votes so we can wrap this bill up later this afternoon.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1245, AS MODIFIED

Ms. LANDRIEU. Madam President, I have a modification to my amendment. It is at the desk. It is a technical modification.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1245), as modified, is as follows:

On page 326, between lines 10 and 11, insert the following:

ORPHANS, DISPLACED AND ABANDONED  
CHILDREN

SEC. 6113. (a) The Senate—

(1) reaffirms its commitment to the founding principle of the Hague Convention on Protection of Children and Co-Operation in Respect of Inter-country Adoption, that a child, for the full and harmonious development of the child's personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding;

(2) recognizes that each State should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin, but when not possible should strive to place the child in a permanent and loving home through adoption;

(3) affirms that intercountry adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's State of origin;

(4) affirms that long-term foster care or institutionalization are not permanent options and should therefore only be used when no other permanent options are available; and



(5) recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

(b) The funds appropriated under title III of this Act shall be made available in a manner consistent with the principles described in subsection (a).

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF JOHN ROBERTS

Mr. MCCAIN. Madam President, as we all know, last night the President of the United States announced the nomination of Judge John Roberts to the U.S. Supreme Court. The President noted in his remarks that one of the most consequential decisions a President makes is his nomination of a Justice to our Nation's highest Court. By nominating Judge Roberts, I believe the President has met the challenge. I commend him for choosing a thoroughly accomplished jurist and attorney to rise to this country's highest Court.

I point out that the selection process the White House and the President went through was thorough and, indeed, viewed as satisfactory—in fact, praised significantly by Members on both sides of the aisle. The President and his staff consulted with more than 70 Members of the Senate. The President reviewed the credentials of many well-qualified candidates, and the President also met with a number of potential nominees.

I believe the consultation part of the advise and consent process we go through was more than met by the President and his staff. The process has resulted in a nominee who truly stands on his achievement.

Presidents can and sometimes have nominated Justices for political reasons alone. However, this President has done something truly praiseworthy in nominating Judge Roberts. He focused on the merits and picked a distinguished attorney with a keen legal mind and an impressive record of accomplishment.

I think all of us are aware of Judge Roberts' academic background. We are aware of his clerking for Justice William Rehnquist, his service in the Department of Justice and, very importantly, being a member of the small group of lawyers who have practiced before the Supreme Court. In fact, Judge Roberts has appeared before and argued cases before the U.S. Supreme Court some 39 times. The process has been followed and has resulted in an outstanding nominee.

There are questions about whether Judge Roberts will answer questions concerning specific issues. I think that issue was put to rest in the Breyer and

Ginsburg nominations where, appropriately, they did not answer questions that would relate to cases that would be argued before the U.S. Supreme Court.

There may be some question about whether Judge Roberts is conservative. I think the President of the United States made it very clear in the last campaign, and I personally heard him state on numerous occasions, that he would appoint as a Supreme Court Justice, in the event of a vacancy, a person who strictly interpreted the Constitution of the United States. So just as in the previous administration President Clinton appointed judges such as Justices Breyer and Ginsburg who would be viewed by some as liberal, so I think it is entirely appropriate that Justice Roberts be viewed as "conservative," if conservative means someone who strictly interprets the Constitution of the United States in making these incredibly important decisions that are made by the U.S. Supreme Court.

As is well known, I am a card-carrying member of the Gang of 14. One of the criteria of the Gang of 14 is that we would not filibuster a nominee to a court or the Supreme Court unless it was under "extraordinary circumstances." I do not speak for the other Members. Each of those Members speaks for himself or herself. I do believe—at least in my opinion, I am convinced—that even though various Members of the Senate on the other side of the aisle may oppose and vote against Justice Roberts' nomination, and perhaps for well-founded reasons, that by no means, by any stretch of the imagination, would Justice Roberts, because of his credentials, because of his service, because of his extraordinary qualifications, meet the extraordinary circumstances criteria.

Again, I only speak for myself, but having been in on those negotiations about extraordinary circumstances for hundreds of hours, I believe Judge Roberts deserves an up-or-down vote, and I hope the other members of that group would also agree with me.

So I think this is a good day for America. We start a process which we should complete by the first week in October so that Justice Roberts can sit in the fall session of the U.S. Supreme Court. I think many of us watching him on television last night as he stated his profound appreciation for the role of the U.S. Supreme Court in our constitutional democracy, as well as his deep regard for the Court as an institution—this is without a doubt a man who is not only fit to face the magnitude of the task before him but who has the temperament and the judgment to understand the seriousness of his possible service as a member of our Nation's highest Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Sen-

ate proceed to a vote in relation to the Chambliss amendment No. 1271 following the vote in relation to the Landrieu amendment with no second-degree amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. What that means is that at the moment, there are two stacked votes at 2:30, the Landrieu amendment and the Chambliss amendment.

I see that the Senator from Texas is in the Chamber and would like to address the Senate, I believe as in morning business, on another issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I add my voice of support to the President's decision to nominate Judge John G. Roberts to the U.S. Supreme Court. The process of selecting the next Associate Justice should reflect the best of the American judiciary and not the worst of American politics. From the President, the American people deserve a Supreme Court nominee who reveres the law. From the Senate, the American people deserve a confirmation process that is civil, dignified, respectful, and one that does its dead level best to keep politics out of the process.

Yesterday, President Bush did his part by announcing the nomination of Judge Roberts, and now it is up to us in the Senate to do our part to ensure that the process for confirming this nomination does honor to the Supreme Court, to the Senate, and to the Nation.

The Supreme Court of the United States is one of our Nation's most cherished institutions. It is also our Nation's most powerful symbol of our commitment to constitutional democracy and the rule of law. We need men and women who serve on that Court who meet the highest standards of integrity, intellect, and character. Most important, we need men and women who are committed to the principle that the duty of unelected judges in a democracy is to apply the law as written by the people's representatives and not to make the law up as they go along.

By every indication, Judge Roberts fits this description of what I would consider to be an ideal nominee. Judge Roberts was educated at Harvard College and Harvard Law School. Before he became a judge on the District of Columbia Court of Appeals in 2003, he was widely regarded as one of the most outstanding advocates practicing before the U.S. Supreme Court. He has argued dozens of cases before the Court, both as a lawyer in private practice in Washington and as a public servant.

Over the years, he has held a wide variety of positions with the Department of Justice, including Principal Deputy Solicitor General, the Federal Government's second highest ranking lawyer before the U.S. Supreme Court. With these credentials, it is not surprising that we confirmed this nominee to the Court of Appeals by unanimous consent just 2 years ago.

Although Judge Roberts has been on the bench only since 2003, his distinguished legal career leaves no doubt that he is extraordinarily well qualified for the Supreme Court. It bears remembering that Chief Justice Rehnquist had never served as a judge before he was nominated to the Court. Similarly, Justice Sandra Day O'Connor, who Justice Roberts will be succeeding if confirmed, had served only briefly as a State court judge before she was elevated to the Supreme Court. As Senator LEAHY, the ranking member of the Senate Judiciary Committee, said at her confirmation hearing, although:

... her tenure on the appellate bench has not been long in years... we should realize that only 60 of the 101 Justices sitting now or in the past have had any prior judicial experience. Only 41 of these have had more than 5 years of service when confirmed, and among those who had no prior experience when confirmed to the United States Supreme Court were included John Marshall and Joseph Story.

As you know, Justices Marshall and Story were two of the most distinguished Justices who ever served on the Supreme Court and, indeed, in our Nation's history. Although the number cited by Senator LEAHY has changed some over the years since Justice O'Connor was confirmed, his point still stands. One does not need to be a career jurist to serve this Nation with distinction as a Justice of the U.S. Supreme Court.

I believe the President has made a commendable decision, nominating Judge Roberts. As I stated earlier, the American people deserve from the President a Supreme Court nominee who reveres the law. From all reports, that is exactly what the American people received yesterday. From the Senate, the American people deserve a confirmation process that is civil, dignified, and respectful, and one that keeps politics out of the judiciary as much as is humanly possible.

One of the challenges we face when considering a nominee, and particularly one such as Judge Roberts who has had such a long and distinguished career serving clients, is to understand that his work on behalf of his clients does not necessarily reflect his personal views that may appear on a variety of legal documents likely to come before the Senate. As all of us who have practiced law know, the duty of the lawyer is to make sure to make the very best possible argument on behalf of his or her client, regardless of whether the lawyer would agree with those arguments in the first instance. Litigants in our adversarial system of

justice are supposed to be judged by a jury of their peers, not by their lawyers.

I think it very important that we keep this in mind. Just as we would not judge Judge Roberts nor should we judge Judge Roberts by the positions he has taken on behalf of clients he has represented, we would not judge a prospective nominee should he or she have practiced, let's say, in the area of criminal law, and have defended people who have been accused of crimes. We would not impute those crimes or that position to the lawyer who is representing them, providing them the legal defense to which they are entitled under our constitutional system. My argument is we should simply apply that same standard to Judge Roberts and any other nominee as well.

I think it is also important that we remain aware there are those outside of this Chamber who will try to taint this process. Already we have seen those who seem to have had a "fill in the blank" press releases, waiting only for the name of the prospective nominee before they send them out into cyberspace and across America and indeed around the world. We know there are those outside these Chambers who will try to vilify any nominee in order to exploit this process for political gain, including raising money. I can only hope we will not, in this body, the 100 Senators who work here and represent our constituents, be tempted by the outside interest groups to engage in the same sort of irresponsible rhetoric that is used by too many of them.

Let us behave as Senators. Let us do our human best to uphold the dignity of this great body. And let us try to uphold the dignity of the U.S. Supreme Court and conduct ourselves in a manner worthy of the American people. History affords some benchmarks to the Senate for determining whether the Senate has undertaken a confirmation process worthy of the Court and of the American people. There is a right way and, unfortunately, a wrong way to debate the merits of a Supreme Court nominee.

In 1993, as I have observed previously on this floor, President Clinton nominated Ruth Bader Ginsburg, a distinguished jurist but one with an extensive record of activism in a variety of liberal causes outside of the judiciary. The Senate looked past all of that and voted to confirm Justice Ginsburg by an overwhelming bipartisan vote. The Senate did so because we understood our proper role in the confirmation process should embody three principles: First, that we should focus our attention on judicial qualifications, not personal political preferences; second, we should engage in respectful and honest inquiry, not partisan personal attacks; and third, we should apply the same fair process, confirmation or rejection by majority vote, that has existed for more than 214 years of our Nation's history.

Yes, this is an important moment for our country. The nomination of any

person to the U.S. Supreme Court is a celebration of our Constitution and our Nation's commitment to the rule of law. The President has nominated an impressive individual to serve on our Nation's highest Court and I look forward, as just one Member of this body, to a dignified, civil, and respectful confirmation process in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I am glad I am following the comments of my colleague Senator CORNYN because we are both privileged to serve on the Senate Judiciary Committee, which will be the first line of inquiry in relation to Judge John Roberts, who has been nominated by President Bush to serve on the U.S. Supreme Court.

I have been in public life for over 20 years and cast over 10,000 votes on so many different topics. If you had asked me what is the most important vote you have ever cast, it is easy; the most important vote you are ever called on to cast is whether America goes to war, because you know as a result of that vote, if the answer is affirmative, that Americans will lose their lives. You will ask families to give up their sons and daughters, husbands and wives, brothers and sisters, in the name of defending America. So there is nothing more important than that vote. It is one of the few times—and I faced it three or four times in my congressional career—when you really do lose sleep. You toss in bed at night thinking, What is the right thing to do?

I would say that after a vote on war, the second most challenging vote is the one we will face in a few weeks right here in the Senate, the selection of an individual to serve on the Supreme Court. Why is it so important? I think it is important because we know, America knows, the Supreme Court is a very special institution in our democratic form of Government. It may be—in fact I would argue that it is—the single most important institution when it comes to protecting our rights and liberties. Across that street—we can see it through the glass door here—is the Supreme Court, with nine individuals who will make decisions on a regular basis that will change the face of America, change the lives of American people. Think about the power you give to that person who serves in the Supreme Court: a lifetime appointment to stand in judgment not only of individuals and their causes, but to stand in judgment of laws that have been written by past generations and to stand in judgment of new laws that come before them with constitutional questions and policy questions. It is a momentous responsibility.

Rarely does the Senate have an opportunity to consider a vacancy on the Supreme Court. I have served now for 9

years in the Senate and never cast a vote on a Supreme Court nominee. This is the longest period of time since 1823 when we have not had a vacancy on the Supreme Court. Now we do. With the retirement of Justice Sandra Day O'Connor we have an opportunity to fill this vacancy with a person of quality, someone who will serve our Nation.

President Bush has nominated Judge John Roberts of the District Court of Appeals. I am familiar with him to a limited extent because he came before our Senate Judiciary Committee several years ago. I think I would concede, and most would concede, the obvious: He is a very well qualified person. This man was *summa cum laude* at Harvard, editor of the Harvard Law Review, and has had some of the most important responsibilities as Principal Deputy Solicitor General speaking on behalf of the Government of the United States of America. He has worked at one of the most prestigious law firms in our country. There is no question about this man's legal skill—none at all.

Nor has there been any serious question of any kind raised about his integrity, his honesty. I have not heard a single word suggesting he does not have the temperament to be a Federal judge. After all, it is a lifetime appointment and those of us who practiced law before Federal judges know that sometimes lifetime appointments can go to their heads and they become somewhat imperial. That has never been suggested when it comes to Judge Roberts.

So you say: Senator, if his legal skills are accepted, if he is an honest man, if his temperament is good, why not approve him and get on with it? Because this is the Supreme Court. And because the American people expect us to go through the regular process of asking important questions. What are those questions? I think they come down to these: We need to know whether a nominee such as Judge Roberts is in the mainstream of American values; whether he is coming to this position on the Supreme Court with a balanced view, an open mind, the kind of judicial outlook on the challenges he faces which will do the Court proud and do the Nation proud.

What kinds of issues will we talk about? When we come to the Judiciary Committee I am sure there will be questions of civil rights. In my lifetime, America has changed dramatically in the field of civil rights. I can recall as a youngster seeing evidence of segregation, even growing up in East St. Louis, IL—segregated schools, segregated swimming pools—in my lifetime. But that changed in the 1960s and we decided as a Nation that it diminished us to discriminate against people because of their race.

We have decided since that the same rules should apply in many ways to questions of gender equity, whether women should have the same opportunity as men. So this whole body of

law, this whole movement in the United States on civil rights is a movement we have come to accept as part of America. There are some who still resist it, but most Americans believe we are a stronger and better nation when we celebrate our diversity. The Supreme Court is the place where key decisions on civil rights will be decided. The rights of minorities, the rights of women, the rights of those with minority religious beliefs, the rights of the disabled—that Court will make those decisions.

Isn't it important to know whether Judge Roberts stands in the mainstream of values when it comes to our civil rights? I think it is essential. It is one of the most important questions.

What about the rights of women? They have been debated quite a bit on the floor of the Senate and the House, certainly before the Supreme Court. People point to the case of *Roe v. Wade*. That is the litmus test case for so many people. But I think it goes much deeper. It isn't just the question of abortion—which is controversial, and many people in good faith feel strongly for and against a woman's right to make that decision. But at the heart of that debate is something even more fundamental, the right of privacy. What is it that I should expect as an American citizen, that I should guard as my individual right of privacy? What right of privacy does my family have? Where can I draw the line and say the Government cannot cross this line?

There have been cases before the Supreme Court that decided that, made those decisions and decided where that line would be drawn. Let me tell you of one, because when I tell youngsters—I just had a group of college students I spoke to here on the Hill. When I tell them the story, I can see they are absolutely amazed, but this is something that happened in recent memory for some. Just a few weeks ago was the 40th anniversary of a Supreme Court decision called *Griswold v. Connecticut*. It was a landmark decision. The nine Justices found in our Constitution—which I keep in my desk and Senator BYRD carries with him at every waking moment—a concept that is not written in the Constitution. Search this Constitution with ROBERT C. BYRD at your side and you will never find the word privacy, but the Supreme Court found the concept of privacy in this Constitution when they considered the case of *Griswold v. Connecticut*.

What was that case all about? A little history is worth repeating. At the turn of the last century, the 19th century, there was a man named Anthony Comstock. Mr. Comstock came from the State of New York. He had passionate convictions when it came to morality. He believed it was wrong to have any form of pornography, any form of abortion, and any form of birth control. After passing a State law in New York, he was elected to Congress, which enacted the Comstock law that

said basically we prohibit the dissemination of information even about birth control, and then Congress did something more. They gave Anthony Comstock of New York extraordinary powers that no American has today. They made him an agent of the U.S. Post Office and gave him the power to investigate and arrest people who violated the law that was passed in his name.

He spent his adult life traveling across the United States trying to find those who were giving people counseling on birth control or abortions, and so forth, and prosecuting them under the law in his name. Before he died, he said he had filled up 61 different passenger train cars with all the people he had arrested in the name of his law, and it was in that Anthony Comstock tradition that States such as Connecticut enacted laws which said no married person can legally go to a pharmacy and have a prescription filled for birth control pills. In 1965, no doctor in Connecticut could legally prescribe birth control pills, and no pharmacist could legally fill the prescription for a married person. This was the law in Connecticut in 1965. When I tell that to young people today, they say: you have to be kidding. No. That was the law in Connecticut and other States.

When the law was challenged, the Supreme Court across the street said: that is wrong. That is such an intimate, personal, private decision, the Government should stay away from it. And in this Constitution, without the express words, they found the concept of privacy, and that concept of privacy 8 years later was part of the rationale for *Roe v. Wade*, that that decision on terminating a pregnancy was a personal, private family decision and that except under extraordinary circumstances the Government should not get involved.

So when Judge Roberts comes before us, some have argued that it is out of line for us to ask him: what is your position when it comes to the Government and the right of privacy? I think it is fundamental. I want to know what is in his heart and what is in his mind.

Does he believe in this concept we have seen enshrined in Supreme Court decisions, or does he believe the Government should infringe on privacy rights?

You say, well, Senator, you are pointing to cases that are 40 years old, 30 years old. How is that relevant today? Consider the matter of Terri Schiavo, the tragedy involving this poor young woman who for 15 years was in this—I do not know if vegetative state is the proper word, or comatose state, kept alive by a feeding tube, case after case in court as to whether her husband, who said he expressed her will that she didn't want to live under these circumstances, had the right to end this feeding tube, case after case, court after court, squabbles and arguments within the family—good faith, genuine arguments. And then finally

the day came when all these legal appeals had been exhausted. There was a movement in Congress to step in, to have the Federal courts and the Federal Government step into that hospital room, the room where that tragic story of Terri Schiavo was taking place. The argument was made in this Chamber and on the floor of the House that the privacy of that family, this intimate personal decision, should take a back seat to the right of the Federal court to insert itself into that room.

Think about it. Hundreds and thousands of American families every single day make that hard decision. They do it hoping they have done the right thing for the poor person who is suffering and for the family that survives. And some argued at that moment, when that doctor and that family has to sit down and make that heart-breaking decision, it is time for the Federal court to step in. The right of privacy, a right still unresolved and that will be resolved many times over by the person we put on the Supreme Court.

Workers' rights, the right to work in a safe workplace, the right to be paid a fair wage, the right to make certain that if you have paid a lifetime into a retirement system and someone tries to take it away, you have a moment in court to stand up for what you have worked for. Those decisions course through the Federal courts all the way to the Supreme Court, and this nominee and others who are the deciding votes make those decisions.

I could go on with all of the agenda the new Supreme Court Justice might face, but I hope in these few moments that I have spoken, you understand the gravity of this decision.

Judge Roberts is 50 years old. If he is a healthy person with a good lifespan, he may sit on that Court for a quarter of a century. He may be there 25 or 30 years. We have one chance, only one, to ask questions of him, to ask what is in his heart, what are his values, does he reflect the mainstream of America.

Sandra Day O'Connor, when she came to the Court, was befriended and sponsored by one of the greats who served in the Senate, Barry Goldwater of Arizona. I can remember as a college student, Barry Goldwater's race for President of the United States in 1964. He was running as a genuine conservative and he lost. LBJ beat him handily. But he came back to the Senate, retired, and always maintained his dignity and interest in public service. When you look back at his career, he was more a libertarian than conservative, but he surely inspired a lot of people. He wanted Sandra Day O'Connor to serve on the Supreme Court. He liked the fact she was so talented. She graduated No. 3 in her class at Stanford Law School, had a tough time finding a job because she was a woman, and was elected to the State senate. Senator Barry Goldwater thought running for public office was a good thing. I do, too. I think running for public office humbles the exalted and it is a good

thing when people have that experience. And she became the first woman to serve on the Supreme Court. Most people said she would follow in the Barry Goldwater conservative tradition, and she did, but it was mainstream conservatism. It was the kind of conservatism that many in the Republican Party and even some in the Democratic Party are very comfortable with.

Later in her career of 24 years of service you saw the libertarian streak coming out in her opinions. She started standing up for a woman's right to choose. She did not want to eliminate *Roe v. Wade*. She stood up when it came to affirmative action at the University of Michigan. She stood up when it came to the rights of prisoners and detainees even in this war on terrorism—sort of unpredictable, but clearly demonstrating that she had an open mind even as a mainstream conservative.

Now, I am resigned to the fact that when President Bush nominates someone to the Supreme Court, it won't be my choice. I am resigned to the fact that person will be a conservative. But what I am looking for and many Democrats are looking for is someone who is a mainstream conservative. I want them to hold the basic conservative values but not come to the Court with some movement on their mind, some political agenda on their mind. I want them to look at things honestly, with an open mind.

I sincerely hope Judge Roberts ends up being one of those people as we consider his nomination. We need to find out basic things about him, questions that were not answered when he stood for confirmation to the U.S. Court of Appeals for the District of Columbia Circuit. He has the intelligence for the job. We will ask him whether he has the independence for the job. He has the credentials for the job. But we need to ask questions about his commitment to the basic freedoms and liberties in America. The Senate must determine through this confirmation process whether Judge Roberts is entitled to a lifetime position on the highest Court of the land. I know he avoided some answers in an earlier hearing. I hope he will be open and candid and honest at his next hearing. I do not insist that he agree with me on every issue, but I insist that he be open and honest in his answers so we can understand where he is coming from. The Senate and the American people have a right to know where he stands.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. WARNER. Madam President, will the distinguished Senator yield? I ask unanimous consent that I can follow the Senator from Texas and seek recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer.

Mrs. HUTCHISON. Madam President, I think President Bush has hit a home run. Because I was with the Baylor Lady Bears this morning congratulating them on winning the national NCAA women's basketball championship, I would say he hit a three-pointer from midcourt. I think John Roberts is exactly what our country expects in quality and demeanor for a person to be elevated to the highest court in our land. The Supreme Court is such an important part of our Constitution, unique, really, in the world, that we have a judicial branch with such stature as the coequal branch of government along with the President and the Congress. For someone to be able to sit on the Supreme Court, you look for a John Roberts, someone who has integrity, temperament for the Court, and you have to have judicial temperament because you are an arbiter who is going to affect people's lives.

Academic achievement. We want our Supreme Court Justices to have the finest legal mind possible, and John Roberts fits that description—Harvard, *summa cum laude* graduate; Harvard Law School, graduated with honors, and respect of his peers. When you have someone such as Walter Dellinger, who served as Solicitor General under President Bill Clinton, who told the Judiciary Committee at one point, "In my view, there is no better appellate advocate than John Roberts," I think that shows the range of support and respect from his peers John Roberts has. He has experience in a variety of legal fields including, of course, serving on the Circuit Court of Appeals, second only to the Supreme Court. But he is also young enough that he will be able to make a lasting impression on the Supreme Court. At the age of 50, we know he has many years to serve.

Some people have asked me, well, didn't you want a woman? Well, yes, of course, I did. Of course, I think diversity is important on the Supreme Court. I would like to see another woman. I would like to see a Hispanic American on the Supreme Court. But I believe first and foremost what we want is the very best person, and for this time the President has chosen John Roberts. I think we should give him our full support.

Yes, the Senate is going to do its due diligence. Yes, we are going to meet our responsibilities. We are going to ask questions. We are going to examine his background. Of course, we are going to look at his record as an attorney, as a judge. But we also are going to do it with integrity and with a respect for the process. I think Justice Ginsburg's confirmation process is an example. In fact, President Clinton's two nominees for the Court took an average of 58 days from nomination to confirmation. I think 2 months is an acceptable amount of time to be able to delve into someone's background and career, to be able to ask the questions you would expect from the Senate, and I thought

that in President Clinton's nominations we gave him deference. As Senator DURBIN said, just before me, President Bush is not going to appoint someone DICK DURBIN would appoint. Well, certainly President Clinton isn't going to appoint someone that I would also nominate. But that wasn't the question. The people of America elected President Clinton, just as they elected President Bush. So we now need to look at their nominee, knowing that perhaps the philosophy may not be the same on the other side of the aisle as it is going to be for President Bush's nominee. But I want the same deference given to John Roberts I gave to Ruth Bader Ginsburg. I looked at her record of integrity, I listened to the people who were for her and against her, and I determined that for President Clinton this was a nominee who should be supported. She would not meet my litmus test of issues, but she is an academically qualified person of integrity with judicial temperament.

I hope Judge Roberts receives the same level of support and respect that has been given to Justice Ginsburg by this Senate.

President Bush and the White House staff have demonstrated an unprecedented level of consultation with Senators. I don't think any President and his staff have consulted with as many Senators as President Bush has on this, his first nominee. I was very pleased to be called and to be able to give names.

I admit that John Roberts was one of the names I mentioned in my consultation call as the example of the very great legal mind and opportunity he would bring to the Court. He is the kind of person we expect to be appointed to the U.S. Supreme Court.

Everything I have heard so far, both from Democrats and Republicans—Republicans being supportive, Democrats being wait and see, let's look at the record, but not negative—is a good thing. John Roberts is going to meet every test. He showed when he was at his Senate confirmation hearing for his circuit court of appeals appointment that he is really good. He had tough questions. You could see the intelligence coming through.

I know he is a family man. He was with his wife and two precious children at the hearing he had a couple of years ago and then again last night. He is a family man who will be a role model for children, for our country, and a patriot, a person who wants to be a public servant, someone who believes in our country and the role of the Supreme Court in our country.

This is a man who is going to be confirmed very easily. I hope that is the case. I hope the Senate will show how the Senate ought to operate with due diligence and, yes, asking questions in a respectful way for this very esteemed judge who is being proposed for the Supreme Court by our President.

I am proud of our President. He has done a terrific job of looking at all of

the options and saying he wants one of his legacies to be the selection of a great Supreme Court Justice who will serve for a long time. He has made the right choice.

I support this nomination. I support the right of the Senate to do our responsibility under the Constitution for advice and consent. That is going to happen from the early indications I have seen, in the talk shows, in the questioning by the media, and also in the Senate. I look forward to the next 2 months and seeing this institution do what we ought to be doing in the right way.

I am very proud today to support the nomination of John Roberts to the Supreme Court of the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1304

Mr. SCHUMER. Mr. President, I send to the desk an amendment that has not yet been filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1304.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report to Congress on mergers of certain United States and foreign companies)

On page 326, between lines 10 and 11, insert the following:

#### REPORT ON RECIPROCITY

SEC. 6113. (a) Notwithstanding any other provision of law, no agency or department of the United States may approve a merger between a United States company and a foreign-owned company or an acquisition of a United States company by a foreign-owned company prior to 30 days after the date on which the Secretary of State submits to Congress the report required by subsection (c).

(b) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "foreign-owned company" means an entity that is owned or controlled by the government of a foreign country.

(3) The term "entity" means a partnership, association, trust, joint venture, corporation, or other organization.

(4) The term "owned or controlled" means—

(A) in the case of a corporation, the holding of at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, the holding of interests representing at least 50 percent of the capital structure of the entity.

(5) The term "United States company" means an entity that has its primary place of business in the United States and that is publicly traded on a United States based stock exchange.

(c) The report referred to in subsection (a) is a report submitted to the appropriate congressional committees by the Secretary of State, in consultation with the Secretary of Commerce, on a proposed merger between a United States company and a foreign-owned company or an acquisition of a United States company by a foreign-owned company. Such report shall include an assessment of whether the law and regulations of the government that owns or controls the foreign-owned company would generally permit a United States company in the same industry as the foreign-owned company to purchase, acquire, merge, or otherwise establish a joint relationship with an entity whose primary place of business is located in such foreign country.

Mr. SCHUMER. Mr. President, we have had some discussion floating around this Foreign Operations appropriations bill about the proposed CNOOC-Unocal merger. As I understand it, amendments that directly affect that merger have been withdrawn. That is not a problem, as far as I am concerned, if the sponsors of those amendments on both sides of the aisle wish to delay offering the amendments, to do it on a different appropriations bill.

My amendment is different. Let me explain.

My basic problem with the CNOOC-Unocal merger is not the same as that of many of my colleagues.

I am not sure it meets the strategic test, and I am willing to leave that to the body that judges that strategic test. I have a different problem. It is a problem that the Senator from South Carolina and I have talked about in terms of currency and other issues; that is, China doesn't play fair. What China thinks is good for China, they don't think is good for American companies. That is true here in terms of mergers. CNOOC wishes to buy Unocal, an important company in the United States dealing with a very important commodity—oil—whether it meets the strategic test or not. But if you look at the ability of American companies to buy Chinese companies in industries that China considers strategic, you will find barriers along the way. At least that is what I have found.

What is good for the goose is good for the gander. We ought to have some degree of reciprocity. If the Chinese—in this case, the Chinese Government, since they own 70 percent of CNOOC—wish to buy an American company, why should they be allowed to block

American companies that wish to buy similarly situated Chinese companies, the American automobile industry, the American construction industry, the American financial services industry? I will be issuing a report shortly which shows that in these strategic industries, American firms have barriers placed in their way. All of them meet approval. Yet in instance after instance, the American company cannot buy a majority share. The barriers are different for different industries, but they exist. In fact, foreign investment in China is divided into four categories—encouraged, permitted, restricted, and prohibited. Even in the nonprohibited categories, all foreign investment must be approved by the Ministry of Foreign Trade and Economic Cooperation called MFTEC.

The United States has a policy of being open to foreign direct investment in nearly every case, and strict levels of Government approval are only reserved for the most sensitive transactions involving national security. Of the 1,525 cases that have been filed with the Committee on Foreign Investment in the United States since 1988, only 25 have warranted investigation; 12 have been reported to the President, and only one has been denied. In the converse situation, where American firms seek to buy Chinese companies, the devil is often in the details. The Chinese Government creates de facto barriers that almost always require Western companies to give up some degree of control over its enterprise that would be highly irregular in any truly free market.

What is more, it is nearly impossible to gain an accurate picture of which investments, mergers, and joint ventures are rejected by the Chinese Government because companies' investors don't publicly want to admit it. The Chinese will say to General Motors or General Electric or scores of smaller companies: We will let you do it, but only under these circumstances. And the company, not wanting to offend the Chinese, doesn't fight the circumstances. All too often these large companies have an interest to their shareholders—they are supposed to—but not to the United States. If it serves their interest to send the technology to China, even though it will create many jobs in China and hurt jobs here in the United States, so be it. It is good for General Motors. So it is hard to figure this out. As I said, we have begun to do it, and we will be issuing a report shortly about it.

There are additional complications when a U.S. company wants to merge or acquire a Chinese state-owned enterprise such as a CNOOC, which is a state-owned enterprise, because any merger with an SOE requires additional approval of many state agencies, and so in instance after instance, which we will highlight in our report, the Chinese do not play the same way with our companies that they want us to play with their companies.

What our amendment does is very simple. It does not prohibit a merger from taking place. It simply requires a report be submitted to the Secretary of State, in consultation with the Secretary of Commerce, to assess whether that country will allow a similar transaction to occur in the opposite direction. The aim is not building barriers but simple reciprocity—fair, part of free trade, and better for everybody.

I hope my colleagues will accept this amendment. It doesn't go to the heart of this merger—that is a different issue which we will delay and do on a different bill—but, rather, goes to the point that the Chinese should treat our companies the way they want us to treat theirs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF JOHN ROBERTS

Mr. WARNER. Mr. President, I rise to speak on behalf of the prospective member of the Supreme Court. The nomination of Judge John Roberts has been transmitted to the Senate by President Bush. I express my very strong support, based on the facts as we now know them, for this outstanding individual.

I wish to commend the President of the United States on his selection, and particularly commend him with regard to the procedures he followed pursuant to the constitutional clause of advice and consent. He consulted a number of the Members of the Senate in the context of this nomination of Judge Roberts and, indeed, the process that will soon be undertaken by the Senate.

Also, I wish to speak to the Gang of 14, a bipartisan group of 14 individuals, 7 Republicans and 7 Democrats, of which I have been privileged to have been a member of from the very beginning, and I wish to speak to the work the group performed on behalf of the leadership and the Members of this body.

In the course of drawing up the memorandum of understanding between members of the Gang of 14, I was privileged to work with my good friend of so many years and, indeed, a former leader of the Senate, ROBERT BYRD of West Virginia. We devised the portion of our memorandum of understanding as it relates to advice and consent. Speaking for myself, I believe the President lived up to, in every respect, what our expectations and desires were in putting in that clause. I thank my friend from West Virginia, as I have often done on the floor of the Senate, for his advice, and sometimes consent, to my own views.

Mr. President, that group of 14 did provide the foundation for our lead-

ers—Republican and Democrat—to bring forth the nominations of six Federal circuit judges, each of whom received the advice and consent of the Senate, and now serve as federal judges. I think that is an important point that should be brought up in the context of this nomination.

Also, the question is sometimes asked about another clause of our memorandum of understanding, extraordinary circumstances. I feel as follows:

By way of background, I was privileged to introduce the then-lawyer John Roberts to the Senate Judiciary Committee on two occasions. The Judiciary Committee had two hearings and asked him to appear in both instances.

I ask unanimous consent to have printed in the RECORD the remarks I made at those hearings, which detail extensively his biography and the like.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT AND SUBMITTED REMARKS OF SENATOR JOHN WARNER BEFORE THE SENATE JUDICIARY COMMITTEE ON JAN. 29, 2003

Mr. WARNER. Chairman HATCH, Senator LEAHY, and members of the committee, I will ask to submit my statement for the record—

The CHAIRMAN. Without objection, all statements will be put in the record.

Senator WARNER [continuing]. For 3 reasons: First, as a courtesy to the committee and to our guests who have been very patient; secondly, this nominee, John Roberts, is indeed one of the most outstanding that I have ever had the privilege of presenting on behalf of a President in my 25 years in the U.S. Senate. His record needs no enhancement by this humble Senator, I assure you.

So I ask that the committee receive this nomination. He is accompanied by his wife Jane, his children Josephine and John, who have been unusually quiet, and we thank you very much and patient, his parents and his sisters.

If I may indulge a personal observation, Mr. Roberts is designated to serve on the Circuit Court of Appeals for the District of Columbia.

Exactly one-half century ago, 50 years, I was a clerk on that court, and so I take a particular interest in presenting this nominee.

Also, the nominee is a member of the firm of Hogan & Hartson, one of the leading firms in the Nation's capital. Fifty years ago, I was a member of that firm. And I just reminisced with the nominee. I was the 34th lawyer in that firm, which was one of the largest in the Nation's capital. Today, there are 1,000 members of that law firm, to show you the change in the practice of law in the half-century that I have been a witness to this.

Mr. Chairman, you covered in your opening remarks every single fact that I had hopefully desired to inform the committee. So, again, for that reason you have, most courteously, Mr. Chairman, stated all of the pertinent facts about this extraordinary man, having graduated from Harvard, *summa cum laude*, in 1976. Three years later, he graduated from Harvard Law School, *magna cum laude*, where he served as managing editor of the Harvard Law Review. Those of us who have pursued the practice of law know that few of us could have ever attained that status. Even if I went back and started all over again, I could not do it. He served as law clerk to Judge Friendly on the U.S. Court of



Appeals for the Second Circuit and worked as a law clerk to the current Chief Justice of the Supreme Court, Judge Rehnquist—Justice Rehnquist.

So I commend the President, I commend this nominee. I am hopeful that the committee will judiciously and fairly consider this nomination and that the Senate will give its advice and consent for this distinguished American to serve as a part of our Judicial Branch.

STATEMENT TO THE JUDICIARY COMMITTEE ON THE NOMINATION OF JOHN ROBERTS TO SERVE AS A JUDGE FOR THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, JANUARY 29, 2003

Chairman HATCH, Senator LEAHY, and my other distinguished colleagues on the Senate's Judiciary Committee, I am pleased to be here today to introduce Mr. John Roberts, an imminently qualified nominee for a federal judgeship.

While Mr. Roberts now lives in Maryland, he is a former resident of the Commonwealth of Virginia and a member of Hogan & Hartson, a firm that I had the pleasure of being affiliated with some years ago.

Joining Mr. Roberts today are many members of his family: his wife Jane, his children Josephine and John, his parents, and his sisters.

Mr. Roberts has been nominated for a judgeship on the United States Court of Appeals for the District of Columbia Circuit. This is a court that I am most familiar with.

Following my graduation from the University of Virginia Law School in 1953, I was privileged to serve as a law clerk to Judge E. Barrett Prettyman, on the United States Court of Appeals for the D.C. Circuit. Judge Prettyman later became Chief Judge of this important court.

As a result of the profound respect so many people, including myself, had for Judge Prettyman, I had the honor several years ago of sponsoring, and with the help of others, passing legislation to name the federal courthouse in DC after Judge Prettyman.

Now, almost 48 years after having served as a law clerk for Judge Prettyman on this federal appeals court, I am pleased to be here today to support the nomination of John Roberts to the same court on which Judge Prettyman once served.

John Roberts has had a distinguished legal career. And, in my view, his record indicates that he will serve as an excellent jurist.

Mr. Roberts' resume is an impressive one. He graduated from Harvard College, Summa Cum Laude, in 1976. Three years later, he graduated from Harvard Law School, Magna Cum Laude, where he served as managing editor of the Harvard Law Review.

He has served as a law clerk to Judge Friendly on the United States Court of Appeals for the Second Circuit and worked as a law clerk to the current chief justice of the Supreme Court of the United States—Judge Rehnquist.

Mr. Roberts has also practiced law for over twenty years in the public and private sectors. He has served as Associate Counsel to President Reagan, worked as the Principal Deputy Solicitor General of the United States, and worked as a civil litigator at Hogan & Hartson, where he currently serves as head of the firm's Appellate Practice Group.

Mr. Roberts has presented oral argument before the U.S. Supreme Court in 39 cases covering an expansive list of legal issues.

Without a doubt, Mr. Roberts' legal credentials make him well qualified for the position to which he has been nominated. I am thankful for his willingness to resume his public service, and I am confident that he would serve as an excellent jurist.

I urge my colleagues on the Committee to support his nomination.

STATEMENT AND SUBMITTED REMARKS OF SENATOR JOHN WARNER BEFORE THE SENATE JUDICIARY COMMITTEE ON APRIL 30, 2003, DURING THE PRESENTATION OF WILLIAM EMIL MOSCHELLA, NOMINEE TO BE ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF JUSTICE, AND JOHN G. ROBERTS, JR., NOMINEE TO BE CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

Senator WARNER. Thank you, Mr. Chairman.

Now, Mr. Chairman, I should like to say a few words on behalf of Mr. Roberts. This is my second appearance on behalf of this distinguished individual, and I must say in my 25 years in the Senate, I do not believe I have ever done this before. But at the invitation of the Chair, I will appear over and over again, be it necessary, on behalf of this individual because I personally and, if I may say, professionally feel very strongly about this nominee.

He has been nominated for a position on the United States Circuit Court of Appeals for the District of Columbia. If I may say, following my graduation from the University of Virginia Law School in 1953, I return this weekend for my 50th reunion, where I am privileged to address my class. But following that, I was privileged to be a law clerk to Judge E. Barrett Prettyman on the United States Circuit Court of Appeals, the very circuit to which this nominee has been appointed by the President of the United States.

I have a strong knowledge of this circuit, having started my career there 48 years ago, and I feel that this candidate will measure up in every respect to the distinguished members of the circuit that have served in the past and who are serving today. And I urge in the strongest of terms that he be given fair consideration by this Committee and that he will be voted out favorably.

Mr. Chairman and Senator Leahy, we start with he graduated from Harvard College summa cum laude in 1976. Three years later, he graduated from Harvard Law School magna cum laude, where he served as managing editor of the Harvard Law Review. He served as law clerk to Judge Friendly on the United States Court of Appeals for the Second Circuit and worked as law clerk to the current Chief Justice of the Supreme Court of the United States, the Honorable Judge Rehnquist.

Also, he has practiced law for over 20 years. He served as associate counsel to President Ronald Reagan, worked as the Principal Deputy Solicitor General of the United States, and has worked as a civil litigator in the firm of Hogan and Hartson, which, I must say, I also served in following my clerkship with Judge Prettyman.

So I do urge upon this Committee, Mr. Chairman, and all members, that the fair consideration that is the duty of the United States Senate under the Constitution under the advise and consent provisions be exercised on behalf of this distinguished nominee.

I thank you for the attention of the Committee, and I wish you well.

STATEMENT TO THE JUDICIARY COMMITTEE ON THE NOMINATION OF JOHN ROBERTS TO SERVE AS A JUDGE FOR THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, APRIL 30, 2003

Chairman Hatch, Senator Leahy, and my other distinguished colleagues on the Senate's Judiciary Committee, I am pleased to be here for a second time to introduce Mr.

John Roberts, an imminently qualified nominee for a federal judgeship. It is my hope that after a second hearing on this important nominee, this committee will recognize that this nominee is eminently qualified for this judgeship.

While Mr. Roberts now lives in Maryland, he is a former resident of the Commonwealth of Virginia and a member of Hogan & Hartson, a firm that I had the pleasure of being affiliated with some years ago.

Mr. Roberts has been nominated for a judgeship on the United States Court of Appeals for the District of Columbia Circuit. This is a court that I am most familiar with.

Following my graduation from the University of Virginia Law School in 1953, I was privileged to serve as a law clerk to Judge E. Barrett Prettyman, on the United States Court of Appeals for the D.C. Circuit. Judge Prettyman later became Chief Judge of this important court.

As a result of the profound respect so many people, including myself, had for Judge Prettyman, I had the honor several years ago of sponsoring, and with the help of others, passing legislation to name the federal courthouse in DC after Judge Prettyman.

Now, almost 48 years after having served as a law clerk for Judge Prettyman on this federal appeals court, I am pleased to be here today to support the nomination of John Roberts to the same court on which Judge Prettyman once served.

John Roberts has had a distinguished legal career. And, in my view, his record indicates that he will serve as an excellent jurist.

Mr. Roberts' resume is an impressive one. He graduated from Harvard College, Summa Cum Laude, in 1976. Three years later, he graduated from Harvard Law School, Magna Cum Laude, where he served as managing editor of the Harvard Law Review.

He has served as a law clerk to Judge Friendly on the United States Court of Appeals for the Second Circuit and worked as a law clerk to the current chief justice of the Supreme Court of the United States—Judge Rehnquist.

Mr. Roberts has also practiced law for over twenty years in the public and private sectors. He has served as Associate Counsel to President Reagan, worked as the Principal Deputy Solicitor General of the United States, and worked as a civil litigator at Hogan & Hartson, where he currently serves as head of the firm's Appellate Practice Group.

Mr. Roberts has presented oral argument before the U.S. Supreme Court in 39 cases covering an expansive list of legal issues.

Without a doubt, Mr. Roberts' legal credentials make him well qualified for the position to which he has been nominated. I am thankful for his willingness to resume his public service, and I am confident that he would serve as an excellent jurist.

I urge my colleagues on the Committee to support his nomination.

Mr. WARNER. So I was privileged to have that opportunity. In the context of performing that task before the Judiciary Committee, I made an independent assessment for myself of his credentials to be a Federal judge. Indeed, I talked to a number of friends who knew him very well.

I point out that I was privileged to serve as a law clerk on the Federal Circuit Court of Appeals for the District of Columbia, where he is currently serving. In addition, I had the great opportunity to be associated with the law firm of Hogan & Hartson, eventually becoming a partner. Justice Roberts, of

course, in his distinguished career, likewise was a member of the firm of Hogan & Hartson before going into various responsible positions in the executive branch, which are enumerated in my detailed biographical sketch of him.

I bring that up because I have a very strong feeling about the firm of Hogan & Hartson. I had the opportunity while there to be closely affiliated with senior partner Nelson T. Hartson. I was a junior lawyer and he was then general counsel to Riggs National Bank and other financial institutions here in the Nation's Capital. I had the privilege of carrying his briefcase, as a young lawyer often did, and preparing his memorandum and briefs and the like during my own work for those clients. He was a magnificent man of the old school and of the law firms of this Nation.

Hogan & Hartson stands out second to none as a law firm in this Nation. I remember so well that Nelson T. Hartson had ethical standards second to none. His leadership permeated down through that firm, certainly in those early days when I was privileged to be there. The firm is much larger now, but it still has a profound reverence for its founder, its leader and former senior partner Hartson, and the principles for which he stood, primarily in the area of ethics.

As to my independent examination, I certainly believe John Roberts brings to this Senate a clear record of extraordinary public service and achievements. But the question is sometimes asked about the issue of extraordinary circumstances in reference to the memorandum of understanding among the Gang of 14. I can only express my own opinion, but I do so very carefully.

I am respectful of the process by which the chairman and ranking member of the Senate's Judiciary committee will examine this nominee. They both are dear and valued friends whom I have known over the course of the 27 years I have served in the Senate. They have an important function to perform in the Judiciary Committee. In no way do I want to get out ahead of their examination of the record. Therefore, based on what I know today regarding John Roberts and my own independent investigation at the time I was privileged to introduce him, I can only opine as this process evolves that there will not be, in my judgment, a body of fact that would give rise in any way to invoking the extraordinary circumstances provision of the Gang of 14's memorandum of understanding.

Again, I carefully couch that, reserving my respect, as we all do, for the work to be done by the Judiciary Committee. But in the end, I repeat, I do not think there will be any body of fact that will give rise to invoking the extraordinary circumstances clause.

I had the pleasure this morning to call quite a few friends all across the Commonwealth of Virginia, on both sides of the spectrum, to listen to their

views about this nominee. I regard those conversations as private, certainly in terms of the names of the individuals. But I was given the liberty to say two individuals, whom I have known for my entire 27 years plus—I will add 1 year, 28 years, 1 year campaigning for the Senate when I knew them both—two of the most extraordinary and nationally and internationally known religious leaders shared with me their strong approval and appreciation to the President for the nomination of this distinguished gentleman.

Likewise, I talked with a number of friends on the other side of the spectrum, two of whom are acknowledged liberals whom I have known for decades and whose opinions I value from time to time. These individuals with whom I spoke this morning have known Judge Roberts, and they likewise recognize the extraordinary credentials of this fine individual, and I think in their own ways expressed strong support.

I mention that because I think it is important for all of us to reach out and seek the views of those who feel, as I do, that this nomination is one of the most important contemporary chapters of American history.

Also, this morning, in response to several press inquiries about the Senate, I have stated that I unequivocally believe that this institution will proceed with its responsibilities under the Constitution, under the advice and consent clause, in a manner that reflects credit on the Senate itself and in a manner that reflects fairness and dignity towards the nominee. I believe that the Senate will proceed in the finest traditions of its over 200 years of experience in terms of its duties of advice and consent, and I think our Nation, and indeed, much of the world, will concur when the process is finally complete.

I conclude by moving into that terrain that is always a bit dangerous—listening to good friends who have known John Roberts for many years talk about him. I met with him briefly this morning. We joked together about this. He said: Now, I am a little apprehensive, John, about some of the persons with whom you talked. But in any event, just the warmest accolades were extended by old friends who mentioned the fact that John Roberts had been very active in what we call pro bono cases.

When I was an assistant U.S. attorney in the District for years, I saw the abuses of the system where those apprehended under the law for alleged criminal violations did not receive the quality of legal representation to which they were entitled. I participated with a number of my friends in establishing at Georgetown University the Prettyman Institute, which trains young lawyers in how to deal with pro bono cases. I remember Judge Oliver Gasch, now the late Judge Gasch, who was very active in working with me, as

we worked with the Georgetown University Law School and established that institute. It has been very successful.

I mention that because John Roberts has had quite a record, as has Hogan & Hartson, in pro bono representation of those whose economic circumstances are so much less fortunate than ours, but nevertheless are entitled to first-class representation, and this fine lawyer and jurist has given that in years past.

In addition, in the firm of Hogan & Hartson, John Roberts was also often sought out by the young lawyers to counsel with them on how best to do his expertise, that is appellate court work. That is always magnificent in a firm when there is an individual to whom the young lawyers can go, perhaps those outside of the firm too, and get advice.

Also, there is a small lunchroom in the firm now and there is a table there. It is interesting, the table is dedicated to William Fulbright, a distinguished Member of the Senate who later worked with Hogan & Hartson. Around that table some great conversations occurred. Often, when John Roberts was at the table with his other partners and fellow lawyers in the firm, they recognized that he could be engaged in almost any subject and have a serious contribution. For example, he loves sports. Like so many of us, given the opportunity, when he gets up in the morning, he kind of looks at the sports page before he goes to all of the news on the other pages. Certainly I do, and I think a lot of Americans do that. He can give you statistics about the Redskins and the baseball teams and others. It is extraordinary.

When I look at the entirety of this individual and look at the American public—I am not talking just about the interest groups who will take a role in this one way or another, as they should and are entitled to, but I am talking about those citizens who watch our government perform its duties—I believe the American public will judge this individual as the facts come out. For those who will follow it, it will be quite an education with regard to not only the institution of the Senate and its constitutional responsibilities of advice and consent, but the law of the land and the very large number of issues that face this Nation today, issues that may well come before the Supreme Court someday.

So there is an educational process for all of us to be had. But I think in the final analysis, the American public will say to itself: This man has the right stuff and will do the right thing for America and for us as individuals.

Mr. President, I have already placed in the RECORD my introduction of then-lawyer Roberts, now Judge Roberts, at two previous hearings. I have an extraordinary letter written by, I think, about 150 lawyers, many of whom I know because so many of them I have had associations with through the

years. It is addressed to the leadership of the Judiciary Committee. It says:

The undersigned are all members of the Bar of the District of Columbia and we are writing in support of the nomination of John G. Roberts, Jr., to serve as a federal court of appeals judge. . . .

It is extraordinary. It is Democrats on one side, Republicans on the right, and a mixture in the center. I cannot recall in my years here ever seeing a document of such import as this in the context of a judicial nomination.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 18, 2002.

Re Judicial nomination of John G. Roberts, Jr., to the United States Court of Appeals for the District of Columbia Circuit

Hon. TOM DASCHLE,  
Hon. ORRIN HATCH,  
Hon. PATRICK LEAHY,  
Hon. TRENT LOTT,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATORS DASCHLE, HATCH, LEAHY, AND LOTT: The undersigned are all members of the Bar of the District of Columbia and are writing in support of the nomination of John G. Roberts, Jr., to serve as a federal court of appeals judge on the United States Court of Appeals for the District of Columbia Circuit. Although, as individuals, we reflect a wide spectrum of political party affiliation and ideology, we are united in our belief that John Roberts will be an outstanding federal court of appeals judge and should be confirmed by the United States Senate. He is one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate. He is also a wonderful professional colleague both because of his enormous skills and because of his unquestioned integrity and fair-mindedness. In short, John Roberts represents the best of the bar and, we have no doubt, would be a superb federal court of appeals judge.

Thank you.

Sincerely,

Donald B. Ayer, Jones, Day, Reavis & Pogue, Louis R. Cohen, Wilmer, Cutler & Pickering, Lloyd N. Cutler, Wilmer, Cutler & Pickering, C. Boyden Gray, Wilmer, Cutler & Pickering, Maureen Mahoney, Latham & Watkins, Carter Phillips, Sidley, Austin, Brown & Wood, E. Barrett Prettyman, Jr., Hogan & Hartson, George J. Terwilliger III, White and Case, E. Edward Bruce, Covington & Burling, William Coleman, O'Melveny & Myers, Kenneth Geller, Mayer, Brown, Rowe & Maw, Mark Levy, Howrey, Simon, Arnold & White, John E. Nolan, Steptoe & Johnson, John H. Pickering, Wilmer, Cutler & Pickering, Allen R. Snyder, Hogan & Hartson, Seth Waxman, Wilmer, Cutler & Pickering,

Jeanne S. Archibald, Hogan & Hartson; Jeannette L. Austin, Mayer, Brown, Rowe & Maw; James C. Bailey, Steptoe & Johnson; Stewart Baker, Steptoe & Johnson; James T. Banks, Hogan & Hartson; Amy Coney Barrett, Notre Dame Law School; Michael J. Barta, Baker, Botts; Kenneth C. Bass III, Sterne, Kessler, Goldstein & Fox; Richard K. A. Becker, Hogan & Hartson; Joseph C. Bell, Hogan & Hartson; Brigida Benitez, Wilmer, Cutler & Pickering; Douglas L. Beresford,

Hogan & Hartson; Edward Berlin, Swidler, Bertin, Shereff, Friedman; Elizabeth Beske (Member, Bar of the State of California); Patricia A. Brannan, Hogan & Hartson; Don O. Burley, Finnegan, Henderson, Farabow, Garrett & Dunner; Raymond S. Calamaro, Hogan & Hartson; George U. Carneal, Hogan & Hartson; Michael Carvin, Jones, Day, Reavis & Pogue; Richard W. Cass, Wilmer, Cutler & Pickering.

Gregory A. Castanias, Jones, Day, Reavis & Pogue; Ty Cobb, Hogan & Hartson; Charles G. Cole, Steptoe & Johnson; Robert Corn-Revere, Hogan & Hartson; Charles Davidow, Wilmer, Cutler & Pickering; Grant Dixon, Kirkland & Ellis; Edward C. DuMont, Wilmer, Cutler & Pickering; Donald R. Dunner, Finnegan, Henderson, Farabow, Garrett & Dunner; Thomas J. Eastment, Baker Botts; Claude S. Eley, Hogan & Hartson; E. Tazewell Ellett, Hogan & Hartson; Roy T. Englert, Jr., Robbins, Rullell, Englert, Orseck & Untereiner; Mark L. Evans, Kellogg, Huber, Hansen, Todd & Evans; Frank Fahrenkopf, Hogan & Hartson; Michele C. Farquhar, Hogan & Hartson; H. Bartow Farr, Farr & Taranto; Jonathan J. Frankel, Wilmer, Cutler & Pickering; Jonathan S. Franklin, Hogan & Hartson; David Frederick, Kellogg, Huber, Hansen, Todd & Evans; Richard W. Garnett, Notre Dame Law School.

H.P. Goldfield, Vice Chairman, Stonebridge International; Tom Goldstein, Goldstein & Howe; Griffith L. Green, Sidley, Austin, Brown & Wood; Jonathan Hacker, O'Melveny & Myers; Martin J. Hahn, Hogan & Hartson; Joseph M. Hassett, Hogan & Hartson; Kenneth Hautman, Hogan & Hartson; David J. Hensler, Hogan & Hartson; Patrick F. Hofer, Hogan & Hartson; William Michael House, Hogan & Hartson; Janet Holt, Hogan & Hartson; Robert Hoyt, Wilmer, Cutler & Pickering; A. Stephen Hut, Jr., Wilmer, Cutler & Pickering; Lester S. Hyman, Swidler & Berlin; Sten A. Jensen, Hogan & Hartson; Erika Z. Jones, Mayer, Brown, Rowe & Maw; Jay T. Jorgensen, Sidley, Austin, Brown & Wood; John C. Keeney, Jr., Hogan & Hartson; Michael K. Kellogg, Kellogg, Huber, Hansen, Todd & Evans; Nevin J. Kelly, Hogan & Hartson; J. Hovey Kemp, Hogan & Hartson; David A. Kikel, Hogan & Hartson; R. Scott Kilgore, Wilmer, Cutler & Pickering; Michael L. Kidney, Hogan & Hartson; Duncan S. Klinedinst, Hogan & Hartson; Robert Klonoff, Jones, Day, Reavis & Pogue; Jody Manier Kris, Wilmer, Cutler & Pickering; Chris Landau, Kirkland & Ellis; Philip C. Larson, Hogan & Hartson; Richard J. Lazarus, Georgetown University Law Center; Thomas B. Leary, Commissioner, Federal Trade Commission; Darryl S. Lew, White & Case; Lewis E. Leibowitz, Hogan & Hartson; Kevin J. Lipson, Hogan & Hartson; Robert A. Long, Covington & Burling; C. Kevin Marshall, Sidley, Austin, Brown & Wood; Stephanie A. Martz, Mayer, Brown, Rowe & Maw; Warren Maruyama, Hogan & Hartson; George W. Mayo, Jr., Hogan & Hartson; Mark E. Maze, Hogan & Hartson; Mark S. McConnell, Hogan & Hartson; Janet L. McDavid, Hogan & Hartson.

Thomas L. McGovern III, Hogan & Hartson; A. Douglas Melamed, Wilmer, Cutler & Pickering; Martin Michaelson, Hogan & Hartson; Evan

Miller, Hogan & Hartson; George W. Miller, Hogan & Hartson; William L. Monts III, Hogan & Hartson; Stanley J. Brown, Hogan & Hartson; Jeff Munk, Hogan & Hartson; Glen D. Nager, Jones Day Reavis & Pogue; William L. Neff, Hogan & Hartson; J. Patrick Nevins, Hogan & Hartson; David Newmann, Hogan & Hartson; Karol Lyn Newman, Hogan & Hartson; Keith A. Noreika, Covington & Burling; William D. Nussbaum, Hogan & Hartson; Bob Glen Odle, Hogan & Hartson; Jeffrey Pariser, Hogan & Hartson; Bruce Parmly, Hogan & Hartson; George T. Patton, Jr., Bose, McKinney & Evans; Robert B. Pender, Hogan & Hartson.

John Edward Porter, Hogan & Hartson (former Member of Congress); Philip D. Porter, Hogan & Hartson; Patrick M. Rahe, Hogan & Hartson; Laurence Robbins, Robbins, Russell, Englert, Orseck & Untereiner; Peter A. Rohrbach, Hogan & Hartson; James J. Rosenhauer, Hogan & Hartson; Richard T. Rossier, McLeod, Watkinson & Miller; Charles Rothfeld, Mayer, Brown, Rowe & Maw; David J. Saylor, Hogan & Hartson; Patrick J. Schiltz, Associate Dean and St. Thomas More Chair in Law University of St. Thomas School of Law; Jay Alan Sekulow, Chief Counsel, American Center for Law & Justice; Kannon K. Shanmugam, Kirkland & Ellis; Jeffrey K. Shapiro, Hogan & Hartson; Richard S. Silverman, Hogan & Hartson; Samuel M. Sipe, Jr., Steptoe & Johnson; Luke Sobota, Wilmer, Cutler & Pickering; Peler Spivak, Hogan & Hartson; Jolanta Sterbenz, Hogan & Hartson; Kara F. Stoll, Finnegan, Henderson, Farabow, Garren & Dunner; Silvija A. Strikis, Kellogg, Huber, Hansen, Todd & Evans; Clifford D. Stromberg, Hogan & Hartson.

Mary Anne Sullivan, Hogan & Hartson; Richard G. Taranto, Farr & Taranto; John Thorne, Deputy General Council, Verizon Communications Inc., & Lecturer, Columbia Law School; Helen Trilling, Hogan & Hartson; Rebecca K. Troth, Washington College of Law, American University; Eric Von Salzen, Hogan & Hartson; Christine Varney, Hogan & Hartson; Ann Morgan Vickery, Hogan & Hartson; Donald B. Verrilli, Jr., Jenner & Block; J. Warren Gorrell, Jr., Chairman, Hogan & Hartson; John B. Watkins, Wilmer, Cutler & Pickering; Robert N. Weiner, Arnold & Porter; Robert A. Welp, Hogan & Hartson; Douglas P. Wheeler, Duke University School of Law; Christopher J. Wright, Harris, Wiltshire & Grannis; Clayton Yeutter, Hogan & Hartson (former Secretary of Agriculture); and Paul J. Zidlicky, Sidley Austin Brown & Wood.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1305

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of myself, Senator NELSON of Florida, and Senator REED of Rhode Island.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. NELSON of Florida, and Mr. REED, proposes an amendment numbered 1305.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To Require the Secretary of State to Report to Congress on a Plan for Holding Elections in Haiti in 2005 and 2006)

On page 259, at the end of the page add the following new paragraph:

“(c) Funds made available for assistance for Haiti shall be made available to support elections in Haiti after the Secretary of State submits a written report to the Committees on Appropriations, the House International Relations Committee and the Senate Foreign Relations Committee setting forth a detailed plan, in consultation with the Haitian Transitional Government and the United Nations Stabilization Mission (MINUSTAH), which includes an integrated public security strategy to strengthen the rule of law, ensure that acceptable security conditions exist to permit an electoral process with broad based participation by all the political parties, and provide a timetable for the demobilization, disarmament and reintegration of armed groups: Provided, That following the receipt of such report, up to \$3,000,000 of the funds made available under subsection (a)(3) should be made available for the demobilization, disarmament, and reintegration of armed groups in Haiti.

Mr. DODD. Mr. President, let me inform my colleagues that this amendment is acceptable to the managers of the underlying bill, Senator MCCONNELL and Senator LEAHY. I thank them for their work on behalf of this particular effort.

At the conclusion of my remarks, I will not ask that the amendment be adopted at this juncture. Senator MCCONNELL and Senator LEAHY prefer that occur at a later time. I wish to take the opportunity to address the amendment and the rationale for it.

I again thank my colleagues, the chairman and ranking member, for accepting the amendment to the Foreign Operations bill.

The amendment I am offering on behalf of myself, Senator NELSON of Florida, and Senator REED, relates to the situation in the Republic of Haiti. The island nation shares the island of Hispaniola with the Dominican Republic in the Caribbean. The situation there cries out, as any other place in the world, to this body. I have spoken about my concerns with respect to the ongoing crisis in Haiti many times on this floor, as have some of my colleagues.

I commend particularly Senator DEWINE of Ohio who has not only spoken about this issue on numerous occasions but, as a result of the efforts he and his family have made, has a very direct involvement in trying to improve the lives of the people in Haiti and has visited the country many times. Those concerns, unfortunately, no matter how often expressed by myself, Senator DEWINE, and others, have fallen on deaf ears, unfortunately, in

the Bush administration. Apparently, no one in the current administration has made Haiti a priority, and it shows.

I support providing assistance to Haiti, but I do not believe in throwing good money after bad in that situation. Frankly, moneys in this appropriations bill in support of the current election schedule in Haiti are moneys that, in my view, will be totally wasted unless and until the Bush administration gets serious about addressing the foundations of that insecurity—the absence of the rule of law and the presence of armed groups who today terrorize Haiti's cities and towns.

That is why I offer this amendment today to insist that prior to one penny of this money being spent on the election process in Haiti that we in Congress be informed about the administration's game plan for Haiti, if it has one; and if one does not exist, that they develop such a plan so that the U.S. taxpayers' dollars are not wasted on elections that would be deemed illegitimate at best.

I don't think that elections are the be-all and end-all for solving Haiti's problems. Frankly, I am increasingly of the view that more international involvement is needed in Haiti over an extended period of time before any Haitian government has a chance of successfully governing a country which at this juncture is virtually ungovernable. Increased international involvement is unthinkable without U.S. leadership.

The political, economic, and social chaos that exists in Haiti today has created one of the most serious humanitarian crises confronting the international community. More than a year after the ouster of former President Aristide, most Haitians today have abysmal living conditions and they are getting worse by the day.

According to U.S. officials in Haiti, most Haitians, most of the 8 million people on the one-third of that island of Hispaniola, live on a dollar or less a day. More than 40 percent of the children are malnourished, and childbirth is the second leading cause of death among women.

Haiti's AIDS infection rate is the highest outside of sub-Saharan Africa, and an estimated 4,000 to 6,000 Haitian children are born with the virus each year. The average Haitian has a life expectancy of 51 years. That is 20 years short of the Latin American/Caribbean average of 71 years.

Haiti's economy is also in a total shambles. Gross domestic product has been negative in that country for two decades running. Profits from traditional exports of coffee, rice, rum, and other agricultural products of the formal economy are less than half of what they were 20 years ago. Now, remittances from Haitians living abroad are one of the main sources of income. In fact, these remittances account for almost one-third of Haiti's gross domestic product.

What has been the Bush administration's response to the Haitian crisis?

Frankly, the administration has been AWOL on Haiti. While they were quick to seize the opportunity to facilitate the removal of the democratically elected President from office, since then there has been a decided disinterest on the part of the administration with respect to the fate of the Haitian people.

Last July, the United States pledged approximately \$230 million in aid for fiscal year 2004-2005. This past April, the Senate passed the DeWine-Bingaman amendment, of which I was a cosponsor, providing \$20 million for election assistance, employment, and public works. But all of the assistance in the world is not going to solve Haiti's problems until we begin to address the levels of insecurity that exist in that country.

Haiti borders on being a completely failed state if it is not one already. Yet, this administration continues to suggest that elections should go forward later this year so the Haitian people can replace the interim government. Last month, Assistant Secretary of State Roger Noriega and special envoys from France, Canada, and Brazil visited Port-au-Prince and said that Haiti's political transition was on target. They said the date for the Presidential and legislative elections, November 13, should remain fixed. I wonder how anyone could visit Haiti and come to that conclusion.

Last December, Senator DEWINE and I were told we could not visit Port-au-Prince because the security situation was far too dangerous. In late May of this year, the State Department issued the following travel warning on Haiti:

Due to the volatile security situation, the Department has ordered the departure of nonemergency personnel and all family members of U.S. Embassy personnel. The Department of State warns U.S. citizens to defer travel to Haiti and urges American citizens to depart the country if they can do so safely.

I ask unanimous consent that the entire travel warning issued by the Department of State be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### TRAVEL WARNING

(Department of State, Bureau of Consular Affairs, Washington, DC)

MAY 26, 2005.—This Travel Warning is being issued to warn American citizens of the continued dangers of travel to Haiti. Due to the volatile security situation, the Department has ordered the departure of non-emergency personnel and all family members of U.S. Embassy personnel. The Department of State warns U.S. citizens to defer travel to Haiti and urges American citizens to depart the country if they can do so safely. This Travel Warning supersedes the Travel Warning issued March 11, 2005.

Americans are reminded of the potential for spontaneous demonstrations and violent confrontations between armed groups. Visitors and residents must remain vigilant due to the absence of an effective force in much of Haiti; the potential for looting; the presence of intermittent roadblocks set by

armed gangs or by the police; and the possibility of random violent crime, including kidnapping, carjacking, and assault. Due to concerns for the safety of its personnel, the Department has ordered the departure from Haiti of all U.S. Embassy non-emergency employees and all family members of American embassy personnel. American citizens who remain in Haiti despite this warning are urged to consider departing.

Travel can be hazardous within Port-au-Prince. Some areas are off-limits to embassy staff, including downtown Port-au-Prince after dark. The embassy has imposed a curfew from 9:00 p.m. to 5:00 a.m., which could change periodically. Staff members must remain in their homes or in U.S. government facilities during the hours covered by the curfew. The embassy has limited travel by its staff outside of Port-au-Prince and the ability to provide emergency services to U.S. citizens outside of Port-au-Prince remains extremely limited. U.S. businesses continue to operate in Haiti, but take special precautions to protect their facilities and personnel. The U.N. stabilization force (MINUSTAH) is fully deployed and is assisting the government of Haiti in providing security. They have challenged violent gangs and have moved into some gang enclaves.

U.S. citizens who travel to or remain in Haiti despite this Travel Warning must remain vigilant with regard to their personal security and are strongly advised to register either online at <https://travelregistration.state.gov/ibrs/> or contact the Consular Section of the U.S. Embassy in Port-au-Prince and enroll in the warden system (emergency alert network) to obtain updated information on travel and security in Haiti. The Consular Section of the U.S. Embassy can be reached at (509) 223-7011, the fax number is (509) 223-9665 and the e-mail address is [acspap@state.gov](mailto:acspap@state.gov). Travelers should also consult the Department of State's latest Consular Information Sheet for Haiti and Worldwide Caution Public Announcement at <http://travel.state.gov>. American citizens may also obtain up-to-date information on security conditions by calling 1-888-407-4747 toll free in the United States or Canada or 1-202-501-4444 from overseas. In Haiti citizens can call 509/222-0200, ext. 2000.

Mr. DODD. Mr. President, that travel warning remains in effect today. Yet, the administration would have us believe that things are on track for holding elections as currently scheduled. Unless there is dramatic action, the likelihood of fair elections in Haiti with widespread voter participation in the near future is remote, at best, and I would argue virtually impossible.

Currently, fewer than 100,000 of the 4 million potential voters have been registered and fewer than a quarter of the necessary registration centers are even open at all. As important, the role of all parties in the elections needs to be protected.

All parties must have a fair and equal chance if these elections are to be legitimate. Ultimately, what should matter most to the United States is that institutionally these elections are legitimate and fair. Whoever wins must make reforms, purge corrupt officials, and work to improve security.

In my view, United States engagement on the security situation is just the first step in what will be a very long, uphill battle if we are going to get the situation right in Haiti. Holding elections for the sake of holding

elections on some rigid schedule makes no sense at all. Elections, particularly elections with little or no credibility, are not going to solve Haiti's problems. It is simply going to compound them.

Haiti is in a humanitarian crisis. For that reason alone, the United States should be far more engaged than we are. Frankly, after sending troops to Haiti 4 times in the past 90 years, it is also in our economic interest to address the problem resolutely. We should start by reviving Senator DEWINE's HERO Act, as it is called, which would help reinvigorate the Haitian economy by granting preferential trade agreements to certain Haitian textile products.

A year ago, the Senate passed the HERO bill, offered by Senator DEWINE, unanimously in this body. There was not a single vote in opposition to Senator DEWINE's proposal. The other body, the House of Representatives, unfortunately would not even consider the legislation. If the HERO Act were passed, as it should be, it could help to strengthen Haiti's economy and jumpstart real employment in that little island nation. Especially now that the Senate has passed and the House will soon act on the Dominican Republic-Central American Free Trade Agreement, this is doubly important. After all, it simply does not make any sense to help the Dominican Republic on two-thirds of the island and leave Haiti a completely failed state on the other one-third of that island.

As it stands now, the options for honest employment are slim to none in the Haitian city centers, particularly the slums of the capital, Port-au-Prince. The major employers in that country are warring gangs, many of them involved in trafficking cocaine.

Indeed, Haiti today is the major transit point for cocaine coming in from South American countries such as Colombia. From the year 2000 to 2004, approximately 8 percent of all the cocaine coming to the United States passed through Haiti. Entire neighborhoods of that country are under the control of these criminal gangs which are responsible for killings, robberies and, increasingly, kidnappings. Authorities in the interim government estimate that each day there are 6 to 12 kidnappings in Port-au-Prince alone.

In total, more than 700 people, including 7 peacekeepers for the United Nations, have been killed in Haiti in the last 8 months. The U.N. forces have tried to respond to the security threats, but frankly the U.N. force is not in a position to quell the violence in Haiti's major cities or to secure many of Haiti's major roads, both of which are now under the control of these criminal gangs.

For one, they are trying to protect a population roughly equal to that of New York City, roughly 8 million people. New York City has 40,000 well-trained and equipped police officers. Haiti has a tiny fraction of that number of U.N. peacekeepers. I would hope

the recent U.N. Security Council authorization for an additional 1,000 troops and police will help the U.N. force wrest control from these criminals, but I doubt it.

Secondly, and perhaps even more important than sheer numbers, the United Nations mandate does not give the U.N. forces real authority over the Haitian national police, a force that is in severe disarray.

The national police are good people in many cases, but there are many bad ones indeed who need to be removed. If the U.N. force wants the trust of civilians, they need to make sure the Haitian national police do not ignore human rights or violations in the face of high insecurity, which only fuels the cycle of violence.

Simply put, the credibility of the U.N. force is directly tied to its ability to bring some calm and to prevent abuses. To that end, civilians should be able to contact U.N. forces directly about the abuses by the national police. That does not happen.

I am also troubled by the interim government, led by President Boniface Alexandre and Prime Minister Gerard Latortue. They have delayed justice for thousands of prisoners. Roughly 20 of the more than 7,000 prisoners at the federal penitentiary have been convicted of crimes. Many of them have spent years awaiting trial.

I am particularly concerned about the treatment of former Prime Minister Yvon Neptune who has been held without formal charges for over a year and is near death after a series of off-and-on hunger strikes which he began in February. Now in the sixth month of his protest, I am told his rib cage is sticking out of his skin and he is maybe near death.

On May 25, Prime Minister Neptune was carried to his first hearing on a stretcher where he testified for several hours. He denied the accusations that he masterminded the killings of 25 Haitians in the town of St. Marc and has refused to leave Haiti, despite that offer, until his name is cleared.

The basic point is when it comes to legal issues, it is imperative that the interim government set the tone that the rule of law matters. If they do not set the example at the top, lawlessness will not improve at the bottom. The amendment I am offering is meant to serve as a small wake-up call to the administration and to the Congress that we are watching what is happening. It is meant to send the message that Haiti is only going to have a future if we are prepared to extend a helping hand. What we need now is resolve and a serious commitment from the highest levels of our Government to bring peace, security, and stability to the people of this small island nation.

We have lost interest before. The result is clear. We cannot afford to do it again. The United States should help the Haitian people create an honest government committed to justice, committed to combating poverty, committed to democracy, and to a better

Haiti. I hope the Bush administration will make that commitment. I hope forcing them to take a serious look at conditions on the ground and responding accordingly will produce results.

Again, one does not need to have a Ph.D. in political science to know what the net effect will be if we do not get more serious about Haiti. Haitians will do what they have done, as other peoples have done in other nations who have been confronted by similar fact situations. Haiti is only a few miles off our coast, roughly about 110, 120 miles. Haitians will do what they have done historically. They will leave in droves and they will seek safe refuge wherever they can achieve it. Obviously we do not want that situation to occur again.

So the modest proposal to try and inject some sanity into our policy we hope will stem that tide. I think even more serious measures need to be taken by the international community such as a protectorate of some kind to create some stability there over the coming 10 or 15 years to give any hope to the Haitian people to regain control of their own society.

Words that I can't even conjure up cannot describe the situation in this country. It is getting worse by the hour. Every day we delay, every time we refuse to do what needs to be done, we contribute in our own way to neglect, to a deteriorating situation in that country.

I again want to thank my colleagues Senator MCCONNELL, Senator LEAHY, Senator NELSON of Florida, and Senator REED, for their support of this amendment. Again, it is not going to solve all the problems, but it may serve to get some attention.

I understand the focus on Iraq and the focus on Afghanistan. We cannot neglect the Caribbean. We cannot neglect Haiti. This amendment is designed to try and reawaken some attention to this problem.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Rhode Island.

Mr. REED. Mr. President, I commend Senator DODD for his leadership on this issue, not just today but for many days, along with Senator DEWINE and others, and to say how precisely, accurately, and eloquently he has characterized the terrible situation in Haiti. It is one that requires a plan, requires purpose, and requires commitment by the United States. I hope we can carry this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

#### AMENDMENT NO. 1301

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1301.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself and Mr. LUGAR, proposes an amendment numbered 1301.

The amendment is as follows:

(Purpose: To provide support to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission and to provide an offset)

On page 169, line 4, strike "\$3,036,375,000" and insert "\$3,031,375,000".

On page 190, line 5, strike "\$440,100,000" and insert "\$445,100,000".

On page 190, line 19, insert "that should be not less than \$19,350,000" after "Commission".

Mr. BIDEN. Mr. President, I know we are about to vote at 2:30 on two amendments. I wanted this to be the pending business. I will lay this aside until after the successive votes we are about to have. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that Senator LEAHY of Vermont and Senator BIDEN be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

#### AMENDMENT NO. 1245, AS MODIFIED

Ms. LANDRIEU. Mr. President, under the previous order, we are now about ready to have the vote on the Landrieu amendment. I ask unanimous consent for 2 minutes to close.

The PRESIDING OFFICER. Without objection, 2 minutes will be allocated to each side prior to the vote in relation to the Landrieu amendment.

Ms. LANDRIEU. Mr. President, I offered this amendment on behalf of myself, Senator CLINTON, Senator DEWINE, Senator INHOFE, and Senator CRAIG. It is an amendment we feel very strongly about and are proud to offer to the Senate this afternoon to clarify a very important principle as we give out billions of dollars in aid to other countries. That principal is very simple and straightforward: Families matter; families should be respected; children belong in families.

As we give out billions of dollars that would hopefully reflect our values, as the Senator from Tennessee, the majority leader said, that would reflect and advance our values, this amendment becomes very clear and very important, and I hope it will receive an overwhelming vote.

To clear up some misperceptions that are out there about this issue, again the Landrieu amendment is not a sense-of-the-Senate amendment. It is a directive. It is a directive to USAID to say that as you are giving out this money, keep in mind that children belong in families. Try to allocate money in a way that keeps them with the families to which they were born, their families of origin. But if they become orphaned, let's work as hard as possible to reconnect those children to other families, preferably to relatives through domestic adoption, long-term permanency, long-term care; not long-term foster care, but through the permanency of a real new family. If that family is not available in that country, then to look within the human family

to place those children, keeping sibling groups together as much as possible.

That is our policy in the United States. It is what our law is. It is a value that Americans hold dear. That is what this amendment does, and I offer it in a bipartisan spirit of cooperation.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 195 Leg.]

#### YEAS—98

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Sessions
Chambliss	Isakson	Shelby
Clinton	Jeffords	Smith
Coburn	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lieberman	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

#### NOT VOTING—2

Byrd Rockefeller

The PRESIDING OFFICER. The majority whip.

#### AMENDMENT NO. 1271

Mr. MCCONNELL. I ask unanimous consent there be 2 minutes equally divided on the Chambliss amendment. Obviously, Senator CHAMBLISS will speak in support of his amendment.

Mr. CHAMBLISS. Mr. President, my amendment is very straightforward. It simply says that none of the funds made available under this act may be used to provide assistance to any country whose government has notified the Department of State of its refusal to extradict to the United States an individual who is charged with a crime in the United States of America, where the penalty is life in prison without parole or less.

A young man from Georgia was killed on the streets of Washington,



DC, in 2002. He was a young Marine Corps officer. He was a member of the White House guard. A Nicaraguan, after he was charged with the offense, went back to Nicaragua. The Nicaraguan Government now refuses to extradict this individual to the United States to be charged with this crime he committed while he was here.

What we are doing today is taking tax funds from the mother and the father of this young man who was killed and sending them to Nicaragua. That is wrong.

This amendment will not allow that to happen. It is a great amendment. I urge agreement of the amendment.

Mr. LEAHY. Mr. President, I certainly want to extradict or bring back to America people who have committed crimes here. But I understand and I agree with the Bush administration, which is strongly opposed to this amendment. The administration letter says, in part, for example, Israel, in some cases, has refused to extradict its nationals. Jordan, with whom we have a treaty, has a court ruling that the treaty is not in force. The amendment does not take into account that the Government does not have treaties in Africa, Asia, the Middle East, the former Soviet Union, and elsewhere.

Under this amendment, for example, a few years ago when a young man committed a heinous murder in Maryland—he had dual citizenship with Israel and fled to Israel—Israel would not send him back; in that case, we would have had to cut off all aid to Israel.

That may be what Senators want to do. I point that out. That is why the administration so strongly opposes the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—86

Alexander	Bunning	Collins
Allard	Burns	Conrad
Allen	Burr	Cornyn
Baucus	Cantwell	Corzine
Bayh	Carper	Craig
Bennett	Chafee	Crapo
Biden	Chambliss	DeMint
Bingaman	Clinton	DeWine
Bond	Coburn	Dodd
Boxer	Cochran	Dole
Brownback	Coleman	Domenici

Dorgan	Kyl	Salazar
Durbin	Landrieu	Santorum
Ensign	Lautenberg	Schumer
Enzi	Levin	Sessions
Feinstein	Lieberman	Shelby
Frist	Lincoln	Smith
Graham	Lott	Snowe
Grassley	Martinez	Specter
Gregg	McCain	Stabenow
Harkin	McConnell	Stevens
Hatch	Murkowski	Sununu
Hutchison	Murray	Talent
Inhofe	Nelson (FL)	Thomas
Inouye	Nelson (NE)	Thune
Isakson	Obama	Vitter
Johnson	Pryor	Warner
Kerry	Reid	Wyden
Kohl	Roberts	

NAYS—12

Akaka	Jeffords	Mikulski
Dayton	Kennedy	Reed
Feingold	Leahy	Sarbanes
Hagel	Lugar	Voinovich

NOT VOTING—2

Byrd Rockefeller

CHANGE OF VOTE

Mr. KOHL. Mr. President, I ask unanimous consent that on record vote No. 196 regarding the Chambliss amendment, that I be recorded as having voted "aye" instead of my previous vote against the amendment. I understand this change will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The amendment (No. 1271) was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—S. 1042

Mr. FRIST. Mr. President, I ask unanimous consent that upon disposition of H.R. 3057, the Foreign Operations appropriations bill, the Senate turn to the immediate consideration of S. 1042, the Defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 1304

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that my amendment be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I know we have agreement to accept this amendment, so I will not speak for very long. I know people want to vote on final passage.

Two quick points: This amendment does not block or change in any way the CNOOC-Unocal merger. It simply says, after any merger where a corporation that is owned by a foreign government seeks to buy an American company, that our Government, particularly MFTEC in the Treasury Department, issue a report that shows whether that country is treating our companies reciprocally and fairly. In other words, would an American company that wished to buy a Chinese company in a similar position be allowed to do so? I would argue that the

Chinese do not. If you believe in free trade, it has to be a two-way street.

This amendment at least gives us a report and some knowledge of that condition. That is all I am asking.

With that, I yield the floor to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

LIABILITY PROTECTIONS TO THE GUN INDUSTRY

Mr. REED. Mr. President, I note the majority leader indicated we will move to the Defense authorization bill. I think that is an appropriate legislative initiative to take up. We are in war. We have troops who are being threatened every day. We have the need to move to this bill. We concluded the committee deliberations weeks ago, and we are ready to move to the bill.

But I am concerned because there has been a suggestion that in the middle of that process, we might take up a bill to grant liability protections to the gun industry. Stopping the Defense authorization bill to take up a special interest bill would be inappropriate. Moving from the national interest to a very special interest is the wrong thing to do.

If we do proceed to a bill to give liability protection to the gun industry, it would require full and intensive debate within the confines of the rules of the Senate. I would hope that we could offer amendments, which we didn't last time, because there are important issues that touch upon the issue of guns in this society that should be debated also. I would hope, once we get on to the Defense authorization bill, we would be able to pursue that until we conclude it. We owe it to the troops in the field who are defending us today. We owe them much more than the special interest lobbies in this country.

AMENDMENT NO. 1304

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, the Schumer amendment has been cleared on both sides. I recommend we move forward with it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1304) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1255, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1255 and send a modification to the desk. This too has been agreed to on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. FEINGOLD, proposes an amendment numbered 1255, as modified.

The amendment, as modified, is as follows:

On page 326, between lines 10 and 11, insert the following:

OVERSIGHT OF IRAQ RECONSTRUCTION

SEC. \_\_\_\_\_. (a) Subsection (o) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note), as amended by section 1203(j) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2081), is amended by striking "obligated" and inserting "expended".

(b) Of the amount appropriated in chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1224) under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE" and under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND", \$30,000,000 of unobligated funds should be made available during fiscal year 2006 only to carry out section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1234), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2081); *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Ms. COLLINS. Mr. President, I am happy to join with my colleague, Senator FEINGOLD, in offering an amendment extending the mandate of the Special Inspector General for Iraq Reconstruction, SIGIR. The Special Inspector General serves as a watchdog over the billions of U.S. taxpayer dollars allocated for Iraq reconstruction. It has been effective in its role, uncovering and exposing a wide range of problems with the use of taxpayer funds in Iraq. For example, in reports released on May 4, the SIGIR documented instances of files that could not be located by contract managers, contract funds that no one could account for, and failures by U.S. officials to live up to commitments made to Iraqi authorities regarding the management of funds slated to rebuild Iraq. The SIGIR also found indications of potential criminal activity in the case of the South-Central Iraq audit, where managers could not account for what happened to \$96.6 million of \$119.9 million that was disbursed in South-Central Iraq.

The SIGIR's tenure is currently 10 months after 80 percent of Iraqi relief and reconstruction funds are obligated, rather than expended. As a result, his term could expire well before all of the work that has been contracted has been performed and payments have been made. Current estimates are that Iraq reconstruction fund obligations could meet the 80 percent threshold very soon. The Feingold-Collins amendment would extend the SIGIR's tenure by changing the termination date to 10 months after 80 percent of the funds are expended.

As chairman of the Senate Homeland Security Committee and Governmental

Affairs Committee, which oversees government contracting, I meet with and receive briefings regularly from the Inspector General on the office's ongoing work and findings. He conducts needed, on-the-ground oversight of contracts in Iraq. His audit and investigative work provides much needed transparency of these operations and demonstrates to the new Iraqi government the importance of openness and oversight to a democratic society.

Despite its effectiveness, the SIGIR office is set to begin closing down before the majority of reconstruction funds for Iraq have even been expended. We need to extend the mandate of this office to help make sure that American tax dollars are being used effectively and efficiently, and to help our reconstruction effort succeed.

Without the SIGIR's experienced oversight, I fear that we may encounter an increase in fraud, waste, and abuse in the management and administration of Iraq reconstruction contracts.

Mr. MCCONNELL. Mr. President, this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1255), as modified, was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1305

Mr. MCCONNELL. Mr. President, I call up amendment No. 1305. It has been agreed to on both sides.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1305) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1301

Mr. MCCONNELL. Mr. President, I call up amendment No. 1301. It has been cleared on both sides as well.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1301) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1252, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1252 and send a

modification to the desk. It has been agreed to on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. BIDEN, proposes an amendment numbered 1252, as modified.

The amendment, as modified, is as follows:

On page 326, between lines 10 and 11, insert the following:

REPORT ON ASSISTANCE TO VICTIMS OF CRIMES IN FOREIGN COUNTRIES

SEC. 6113. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the services provided to United States citizens who are victims of violent crime while outside the United States. The report shall include—

(1) the total number of United States citizens who reported to a United States embassy or consulate that such citizen was a victim of violent crime during fiscal year 2005;

(2) a summary of the funding available during fiscal year 2006 through the Department of State to assist United States citizens who are victims of violent crime while outside the United States;

(3) the expenditures made during fiscal year 2005 by the United States to assist such United States citizens;

(4) a proposal for providing services to such United States citizens who have no other source of funds to obtain such services, including any necessary organizational changes needed to provide such services; and

(5) proposals for funding and administering emergency assistance to such United States citizens who have no other source of funds.

(b) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committees on Appropriations and the Committee on International Relations of the House of Representatives.

(2) The term "violent crime" means murder, non-negligent manslaughter, forcible rape, robbery, or aggravated assault.

Mr. BIDEN. Mr. President, an important part of U.S. nuclear nonproliferation policy is the continuing effort to deter other countries from testing a nuclear weapon. It is often said that a country could build a relatively simple nuclear weapon, like the bomb exploded at Hiroshima, and use it with confidence even though it has not tested the device. That does not hold true, however, for more complex designs; and military commanders are loath to rely upon any weapon that has not been tested.

One major way to deter countries from conducting nuclear weapons tests is to ensure that such a test would be detected. That's because most countries, as signers of the Comprehensive Nuclear Test-Ban Treaty, the CTBT, are bound to refrain from acts that would undermine the object and purpose of that treaty, even though it has yet to enter into force. In addition, nearly all nuclear weapons states, including some that are not parties to the CTBT, have proclaimed unilateral moratoria on nuclear weapons tests.

Thus, there are both legal and political barriers to openly testing nuclear weapons.

How can we make it more likely that a covert nuclear weapons test would be detected and identified? One way is through U.S. and allied data collection, including the fine seismic network put together by the Air Force Technical Applications Center, or AFTAC. I support and applaud the work of AFTAC, which is truly a center of excellence. But AFTAC cannot and does not do everything; not every country will cooperate with the United States in the nuclear detection mission; and when we use AFTAC, we pay the full bill.

AFTAC's work is supplemented importantly by the International Monitoring System, or IMS, that is being set up by the Preparatory Commission for the CTBT Organization, the CTBTO PrepCom. The worldwide seismic network of the IMS will include sites in Russia, China, Iran and elsewhere that cannot be duplicated through U.S. or bilateral arrangements. It will also combine long-distance, low-frequency, or teleseismic, coverage with high-frequency, regional seismic data that many experts believe will do a better job of detecting a "decoupled" explosion that uses an existing cavity to resist detection.

The IMS will marshal four different types of data—not only seismic, but also hydroacoustic, infrasound, and airborne radionuclide emissions—collected at 321 sites, mostly seismic arrays. The use of multiple methodologies will make it more difficult for a country to evade detection, as it gets very difficult to design a test that avoids detection by all four means. And the rest of the world is paying more than three quarters of the cost of this robust monitoring system.

Finally, while national technical means may include very sensitive intelligence information, the IMS will provide data that can be used openly for diplomatic or enforcement purposes. That will greatly ease the pressure on U.S. intelligence to expose sensitive sources or methods in order to further U.S. foreign policy objectives.

The administration rightly supports the IMS and has funded the U.S. share of IMS expenses for several years. Secretary of State Rice confirmed the administration's support for this program earlier this year, in response to a question for the record that I asked after she testified on the foreign affairs budget.

In addition, the Under Secretary of State for Arms Control and International Security, Mr. Joseph, has assured the Foreign Relations Committee that funding the IMS is fully consistent with the administration's position on the CTBT, which it has said that the United States will not join, even though it is a signatory to the treaty. While I wish that the administration were of a different mind on the CTBT itself, I think they are absolutely correct in their view that the

IMS serves our national security interests even if this country never ratifies the CTBT.

Unfortunately, the Office of Management and Budget imposed a severe cut on this budget item, reducing the State Department's request from \$22,000,000 to \$14,350,000. The Secretary of State assured the Foreign Relations Committee that the State Department is committed to finding the extra funds, even if they have to be obtained in the fiscal year 2007 budget. That's no way to run a railroad, however, and it could be difficult to get over \$30 million next year to make up for the shortfall. It would be far better to find some of that extra money now and not put the United States so far in arrears.

I propose, therefore, that an extra \$5 million be made available for the U.S. contribution to the CTBTO PrepCom. I am joined in this amendment by the chairman of the Foreign Relations Committee, my good friend Senator LUGAR of Indiana, which I very much appreciate. The additional funds will make it much more likely that the United States will find the money to pay its full assessment for IMS and will help keep the world from becoming a much more dangerous place.

Staff to Senators McCONNELL and LEAHY have kindly worked with us on this amendment and identified the budget for economic support funds as an area in which a \$5 million cut could be absorbed with less harm to our national security than we would risk by failing to fund the IMS in a timely manner. I understand that the managers of this bill are prepared to accept our amendment and can cover the difference in first-year outlays that will result. I am most grateful for their cooperation.

I ask unanimous consent to print in the RECORD the following question and answer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FOR THE RECORD SUBMITTED TO SECRETARY OF STATE CONDOLEEZZA RICE BY SENATOR JOSEPH BIDEN (NO. 12), COMMITTEE ON FOREIGN RELATIONS, FEBRUARY 16, 2005.

Question: Why is the Administration proposing a cut in the U.S. contribution to the International Monitoring System being established by the Comprehensive Test Ban Treaty Organization Preparatory Commission?

Answer: The \$7.65 million cut in funding for the International Monitoring System (IMS) does not signal a change in U.S. policy toward the Comprehensive Nuclear Test Ban Treaty (CTBT). The U.S. continues to support and participate in those activities of the Preparatory Commission for the CTBT Organization (CTBTO PrepCom) in Vienna that pertain to the IMS, and the U.S. has no plans to press the PrepCom to lower its budget to a level commensurate with the \$14.35 million that the Administration has allocated for it in FY06.

Unfortunately, budgets are very tight and cuts had to be made, even among programs supported by the Administration. A number of other cuts were made in the Department's program requests, including in the areas of non-proliferation and counter-terrorism. The

level of funding for a program in any given year's budget does not necessarily have a bearing on the funding level for that program in the succeeding years.

It is important to note that the U.S. continues to observe a nuclear testing moratorium and encourages other states not to test. While the U.S. does not support the CTBT and will not become a party to it, the U.S. has gone to great expense to develop a Stockpile Stewardship Program to help ensure the safety and reliability of our nuclear weapons stockpile without testing.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1252), as modified, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1306 THROUGH 1308, EN BLOC

Mr. McCONNELL. Mr. President, I send to the desk a managers' package on behalf of Senator BYRD, regarding the United States-China Economic and Security Review Commission; on behalf of Senators LEAHY, CHAFEE, MIKULSKI, and CORZINE regarding women's health; and Senator FRIST regarding the use of funds for nonproliferation purposes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments numbered 1306 through 1308 en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 1306

(Purpose: To modify the responsibilities and authorities applicable to the United States-China Economic and Security Review Commission)

On page 326, between lines 10 and 11, insert the following:

RESPONSIBILITIES AND AUTHORITIES OF UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SEC. . (a) MODIFICATION OF RESPONSIBILITIES.—Notwithstanding any provision of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), or any other provision of law, the United States-China Economic and Security Review Commission established by subsection (b) of that section should investigate and report exclusively on each of the following areas:

(1) PROLIFERATION PRACTICES.—The role of the People's Republic of China in the proliferation of weapons of mass destruction and other weapons (including dual use technologies), including actions the United States might take to encourage the People's Republic of China to cease such practices.

(2) ECONOMIC TRANSFERS.—The qualitative and quantitative nature of the transfer of United States production activities to the People's Republic of China, including the relocation of high technology, manufacturing, and research and development facilities, the impact of such transfers on United States national security, the adequacy of United

States export control laws, and the effect of such transfers on United States economic security and employment.

(3) **ENERGY.**—The effect of the large and growing economy of the People's Republic of China on world energy supplies and the role the United States can play (including through joint research and development efforts and technological assistance) in influencing the energy policy of the People's Republic of China.

(4) **ACCESS TO UNITED STATES CAPITAL MARKETS.**—The extent of access to and use of United States capital markets by the People's Republic of China, including whether or not existing disclosure and transparency rules are adequate to identify People's Republic of China companies engaged in harmful activities.

(5) **REGIONAL ECONOMIC AND SECURITY IMPLICATIONS.**—The triangular economic and security relationship among the United States, Taipei, and the People's Republic of China (including the military modernization and force deployments of the People's Republic of China aimed at Taipei), the national budget of the People's Republic of China, and the fiscal strength of the People's Republic of China in relation to internal instability in the People's Republic of China and the likelihood of the externalization of problems arising from such internal instability.

(6) **UNITED STATES-CHINA BILATERAL PROGRAMS.**—Science and technology programs, the degree of non-compliance by the People's Republic of China with agreements between the United States and the People's Republic of China on prison labor imports and intellectual property rights, and United States enforcement policies with respect to such agreements.

(7) **WORLD TRADE ORGANIZATION COMPLIANCE.**—The compliance of the People's Republic of China with its accession agreement to the World Trade Organization (WTO).

(b) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—Subsection (g) of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended to read as follows:

“(g) **APPLICABILITY OF FACA.**—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Commission.”

#### AMENDMENT NO. 1307

(Purpose: To require that funds made available for the United Nations Population Fund be used for certain purposes)

On page 274, between lines 7 and 8, insert the following new subsection:

(e) **USE OF FUNDS.**—None of the funds made available for the UNFPA in this section may be used for any purpose except—

(1) to provide and distribute equipment, medicine, and supplies, including safe delivery kits and hygiene kits, to ensure safe childbirth and emergency obstetric care;

(2) to prevent and treat cases of obstetric fistula;

(3) to make available supplies of contraceptives for the prevention of pregnancy and sexually transmitted infections, including HIV/AIDS;

(4) to reestablish maternal health services in areas where medical infrastructure and such services have been destroyed by natural disasters;

(5) to eliminate the practice of female genital mutilation; or

(6) to promote the access of unaccompanied women and other vulnerable people to vital services, including access to water, sanitation facilities, food, and health care.

#### AMENDMENT NO. 1308

(Purpose: To provide that funds appropriated for nonproliferation, anti-terrorism, demining and related programs and made available for the Comprehensive Test Ban Treaty International Monitoring System may be made available for the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts)

On page 326, between lines 10 and 11, insert the following:

#### NONPROLIFERATION AND COUNTERPROLIFERATION EFFORTS

SEC. 6113. Funds appropriated under title III under the heading “NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS” may be made available to the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts such as increased voluntary dues to the International Atomic Energy Agency, activities under the Proliferation Security Initiative, and the Cooperative Threat Reduction program, and in support of the National Counter Proliferation Center and its activities.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ROMANIA

Mr. GREGG. Mr. President, my colleague from New Hampshire, Congressman JEB BRADLEY, successfully offered an amendment in the House of Representatives to this year's Foreign Operations appropriations bill as part of an effort to encourage the Romanian Government to act on an extremely important issue. I had originally intended to offer the same amendment here in the Senate, however, the Senator from Kentucky, the chairman of the subcommittee, has graciously offered to work with me on the issue.

While the amendment would have specifically limited assistance to Romania provided under the Assistance for Eastern Europe and the Baltic States, SEED, account, the real problem we are trying to address is the plight of over 100 American families and almost 200 Romanian orphans these families have agreed to adopt. Despite the fact that the adoptions have been approved by Romania, these young orphans and their new American families have been waiting in limbo—for years in some instances.

After approving these adoptions, Romania changed its adoption laws in order to comply with the European Union's legal standards as a condition of admittance into the European Union. However, since changing their law, Romanian officials have yet to clarify the status of these adoptions or act in any manner to fulfill the commitments that were made to these caring and compassionate Americans—or to fulfill the hopes of their own orphans.

This past March, Romanian President Basescu indicated to Members of Congress, representatives from the

State Department, and several of the affected families that as soon as the European Union voted to admit Romania, his government would then move expeditiously to resolve the previously approved adoption cases. While the European Union voted to admit Romania in April, Mr. Basescu's pledge has yet to be honored by his government.

Romania became a good ally of the United States almost immediately after the breakup of the Soviet Union and indeed played a pivotal role leading to the breakup. It is out of respect for the generally good relations between our countries—and with the hope that Romania will reciprocate in equal good faith—that I have decided not to offer the amendment in the Senate as I originally planned to do. Instead, I will work during the conference on the bill to come up with a solution to this issue which is in the best interests not only of our two countries, but those of the families and orphans who have unnecessarily been kept apart too long as well.

I hope that the Romanian Government will seize this opportunity afforded to them and take appropriate and expeditious action—posthaste—to allow these children to join their new families here in America.

Mr. MCCONNELL. I appreciate the comments made by the senior Senator from New Hampshire and I strongly encourage the Romanian Government—and the State Department—to address this important issue expeditiously. The committee recommends \$20 million for assistance for Romania under the SEED account, which is equivalent to the budget request. It is my hope and expectation that this matter be successfully resolved prior to the conferring of this bill.

#### AFGHAN MEDICAL RELIEF FOUNDATION

Mr. LAUTENBERG. Mr. President, I would like to bring to your attention the important work of the Afghan Medical Relief Foundation, AMRF, which was formed in 2004 to promote the prevention, awareness, training, and treatment of life-threatening diseases. They are focused in particular on diabetes, delivering insulin and providing treatment for 15,000 to 20,000 diabetic children, young people, and adults in Afghanistan. This organization opened four new centers in Kabul in April and May 2005. Nearly 2,000 new diabetic patients a month are visiting the centers.

Mrs. DOLE. Mr. President, I thank my colleague Senator LAUTENBERG for bringing this project to the attention of the chairman and ranking member of the Foreign Operations Appropriations Subcommittee. Approximately 900,000 Afghans suffer from diabetes and the subsequent complications that forever change an individual's life. Through the good work of the AMRF, the Ministry of Public Health has improved the quality of life for thousands of Afghans by making diabetes education, prevention, and treatment a national priority.

Mr. BURR. Mr. President, I also thank my colleagues for bringing the

important work of the Afghan Medical Relief Foundation to the attention of the chairman. The AMRF has successfully trained 16 health care professionals to diagnose and treat diabetes, developed a uniform patient management model, and increased knowledge of diabetes among the diabetic and general population.

Mr. NELSON of Nebraska. Mr. President, I thank my colleagues for bringing this project to the attention of the chairman and ranking member as well. AMRF has worked closely with the Afghan Minister of Health and has made sure that diabetes is included in the basic national health care package in Afghanistan. As the people of Afghanistan continue the hard work of building a strong democracy, it is important they have access to essential resources, such as medicines and care, which are vital in creating a peaceful and secure society.

Mr. LEAHY. Mr. President, I thank the Senator from the State of New Jersey, the Senators from the State of North Carolina, and the Senator from Nebraska. This program sounds important. Unfortunately, the subcommittee does not earmark funds for specific organizations.

Mr. LAUTENBERG. Mr. President, it is unfortunate that the subcommittee is not able to support the work of the Afghan Medical Relief Foundation, but it is understandable why the subcommittee cannot do so.

Mr. LEAHY. Mr. President, I thank my colleagues from New Jersey, North Carolina, and Nebraska, and I thank them for bringing this project to my attention. This sounds like a worthwhile project for USAID to consider.

#### RWANDA HIV/AIDS PROGRAM

Mr. STEVENS. Mr. President, as my colleague, Senator COLEMAN knows, halting the spread of HIV/AIDS in Africa is an issue of paramount importance. The international community is at a crucial crossroads in the effort to treat and more importantly, stop the spread of this disease.

Mr. COLEMAN. Mr. President, yes, the distinguished Senator from Alaska is correct in his statement that this is an issue at a crisis point in Africa, and one that the United States has rightly committed ourselves to fighting. I have a particular interest in an innovative proposal by the University of Minnesota to partner with the government of Rwanda to institute a comprehensive training and support program that would provide HIV care to every HIV-infected Rwandan eligible for treatment within 18 months of implementation.

Mr. STEVENS. Senator COLEMAN recently brought the University of Minnesota's program to my attention. It is of particular interest to me because it provides for training and development of nurses and HIV care practitioners, as part of a program that will be self sustaining within 5 years of implementation.

Mr. COLEMAN. Yes, as my colleague mentions, this program seeks to ad-

dress the health care infrastructure by training nurse practitioners through the University of Minnesota's excellent distance learning program for nurse practitioners. This program will dramatically increase the capacity of Rwandan medical and nursing schools, creating new physicians and nurses with a high standard of training for a permanent, skilled, and sustainable force of health care professionals in Rwanda.

Mr. STEVENS. The success of this program could eventually be a template to spread out into the rest of Africa. I hope to work with my distinguished colleague and the State Department on implementation of this important program.

Mr. COLEMAN. Yes, I will work with my colleague to gain funding for this important program.

#### SAFE DRINKING WATER

Mr. FRIST. Mr. President, safe drinking water is one of the biggest health challenges facing the developing world. According to the World Health Organization, approximately 1.1 billion people around the world lack access to clean water sources and 2.6 billion lack access to basic sanitation. As a result, approximately 1.8 million people die every year from diarrheal disease, and sadly, 90 percent of those deaths occur in children under the age of 5.

With an increasing world population and further constraints on our world's water resources, the problem is expected to worsen significantly before it begins to improve.

I commend the assistant majority leader, Senator MCCONNELL, the chairman of the foreign operations appropriations subcommittee, for providing \$200 million to the U.S. Agency for International Development for safe water programs in his bill. Further, the chairman has allocated not less than \$50 million of that amount for programs in Africa, where the need is significant.

In addition to Government aid, there is a growing effort in the private, non-profit sector to address this problem as well. Organizations such as Millennium Water Alliance, Water Missions International, Living Water International, Water for People, The Nature Conservancy, Winrock International, The Aspen Institute, and many others are working to address global water issues. Also, the WaterLeaders Foundation is an organization dedicated to delivering comprehensive, safe water technologies throughout the globe, one village at a time. They are developing lightweight, low-cost, low-energy water purification systems that will soon be available to distribute to communities, schools, and orphanages to help turn back the tide on water-related diseases in Africa.

I would like to ask Senator MCCONNELL, the chairman of this subcommittee, if anything in this bill precludes any portion of USAID funds from matching private donations to assist these types of organizations from helping to provide safe drinking water for these types of activities?

Mr. MCCONNELL. I appreciate the comments from my colleague, and commend him for his leadership on the issue of safe water. I am proud of the commitment we have made in this bill to safe water programs, particularly with regard to Africa, and I agree that nothing in this bill would preclude USAID funds from matching the good work of these dedicated private, non-profit organizations. In fact, it is my understanding that USAID has provided \$1.1 billion these last 2 years to leverage over \$3.7 billion in private funds for a variety of projects including safe water.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, earlier today I had to miss a rollcall vote on the Landrieu-Craig amendment because of a family commitment. I would have voted for the sense-of-the-Senate amendment to urge USAID to follow the principles of the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption.

Senators LANDRIEU and CRAIG have been extraordinary leaders on the issue of adoption, and their work on the Congressional Adoption Caucus has been very important in our country and throughout the world in promoting the fundamental concept that every child deserves a safe, permanent home. This is a basic goal that we should strive for at every opportunity. •

Mr. SUNUNU. Mr. President, I offered an amendment to H.R. 3057 yesterday, which was accepted as part of a managers' package to increase economic support fund monies for Lebanon from \$35 million to \$40 million, and to increase the support of the American educational institutions in Lebanon out of those monies from \$4 million to \$6 million. I very much appreciate the assistance of Senator MCCONNELL and Senator LEAHY in that regard.

The Cedar Revolution, in which the people of Lebanon have expressed their frustration with outside interference in their internal affairs and with a sectarian brand of politics that has produced corruption, undemocratic practices, and a faltering economy, has inspired hope for major political transformation not only in Lebanon, but in other countries of the Middle East as well. It is important to express our support for the people of Lebanon, both symbolically and in concrete terms that will assist them in reviving their economy and in carrying forward a process of reform that still requires much effort and determination.

Fortunately, the Agency for International Development has for some years run a small but effective assistance program in the country, relying largely on American nongovernmental organizations and education institutions which operate in Lebanon. USAID therefore has the experience and the partners to efficiently put additional assistance to good use. The

priorities should continue to be fostering fundamental democratic principles and economic recovery.

My amendment recognizes, as has the Appropriations Committee in its bill, the special role of the American educational institutions in achieving these goals. The American schools in Lebanon, through scholarships that these funds make possible, prepare the next generation of leaders by graduating young men and women who have a solid understanding of the forces of globalization, are committed to democratic values, and have the skills to reform their societies and bridge the differences between those societies and the West. Young leaders such as these will assure the future not just of Lebanon, but of the region as a whole. Lebanon benefits when such men and women from throughout the Middle East are educated at the renowned American schools in the country, as does the United States. It is therefore my intention that scholarship funds made available for these schools can be provided for students from any country within the region.

Mr. STEVENS. Mr. President, 30 years ago, Egypt and the United States developed what has become a strong partnership, dedicated to a stable and peaceful Middle East.

Egypt is a strong ally to the United States and is actively supporting the peace process in Israel and Palestine, Iraq, and the Sudan.

It has also made many democratic reforms in recent years. Women now hold a number of important political positions such as cabinet ministers, members of parliament, ambassadors, and judges.

The amended Egyptian constitution allows for multi-candidate presidential elections, and provides for equal access to publically owned media.

And a number of privately owned and managed television networks have been established.

It is important that we continue to support the positive changes taking place in Egypt, and encourage further democratic and human rights reforms.

I am concerned that conditions and limitations placed on the government of Egypt's ability to receive and spend funds will send a negative message to the people of Egypt.

The administration has expressed concerns about these legislative restrictions, which it believes could harm the relationship between our respective governments.

Mr. MCCONNELL. Mr. President, a significant amount of time and effort goes into preparing this bill every year. I want to take a moment to recognize some of the dedicated staff involved in putting it together.

First, I thank my good friend from Vermont, with whom I have enjoyed working on this issue over the last decade, who is ably served by Tim Rieser and Kate Eltrich. Over the past few months, they have worked alongside my staff helping to draft a bill and re-

port. They have my special thanks for a job well done.

Recognition also goes to LaShawnda Smith, Tom Hawkins, Harry Christy, and Paul Grove of my staff. I thank LaShawnda for keeping the subcommittee running. She does a terrific job.

Since coming to State-Foreign Operations 9 months ago, Tom has proven an invaluable member of our team. His oversight of the security and counter-narcotics programs is outstanding. Thank you, Tom.

Instead of protecting the President, Harry, a detailee from the Secret Service, has assumed his temporary duties as an appropriator in a professional manner. His work on State Department accounts has been invaluable, particularly given the most recent expansion of the subcommittee's jurisdiction.

Finally, I certainly want to thank Paul Grove, staff director, for his many years of great service with me on this assignment and other assignments in the past. There are many other people without whose help we would literally have no bill to report at all. I thank Bob Putnam, Jack Conway and, of course, Keith Kennedy. They should know that our staff greatly appreciates their patience, guidance and, when required, good humor.

For words, the editorial and printing shop is top-notch. Richard Larson is a consummate professional, nothing less than a committee treasure. He has my thanks, as do Wayne Hosier, Doris Jackson, and Heather Crowell.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would concur completely with the Senator from Kentucky on the people he has praised. He has left out one, himself. I praise the work he has done. We worked very closely together on this. I know that Tim Rieser on my side worked so closely with Paul Grove, and I appreciate the bipartisan nature of that. I thank Kate Eltrich; the newest member on our side, Jennifer Park; of course, Paul Grove, Tom Hawkins, Harry Christy, and LaShawnda Smith on the chairman's side. It has been very good. I think we could probably go on to final passage.

Mr. MCCONNELL. Let me reiterate what a pleasure it is to work with Senator LEAHY. I have enjoyed our relationship over the years.

There is a request for a vote on final passage. I believe we are ready for that. I assume the yeas and nays need to be required.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 197 Leg.]

#### YEAS—98

Akaka	Dodd	Martinez
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Biden	Feingold	Nelson (NE)
Bingaman	Feinstein	Obama
Bond	Frist	Pryor
Boxer	Graham	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Salazar
Burr	Harkin	Santorum
Byrd	Hatch	Sarbanes
Cantwell	Hutchison	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Thune
Craig	Levin	Vitter
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeMint	Lott	Wyden
DeWine	Lugar	

#### NAYS—1

Inhofe

#### NOT VOTING—1

Rockefeller

The bill (H.R. 3057), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The title amendment was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Virginia is recognized.

#### AMENDMENT NO. 1263, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of the leadership, I ask unanimous consent that notwithstanding passage of H.R. 3057, Salazar amendment No. 1263, as modified, which is at the desk, be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1263), as modified, was agreed to, as follows:

On page 326, between lines 10 and 11, insert the following:

#### INTERNATIONAL POLICE TRAINING

SEC. \_\_. (a) REQUIREMENTS FOR INSTRUCTORS.—Prior to carrying out any program of



training for police or security forces through the Bureau that begins after the date that is 180 days after the date of the enactment of this Act, the Secretary of State shall ensure that—

(1) such training is provided by instructors who have proven records of experience in training law enforcement or security personnel;

(2) the Bureau has established procedures to ensure that the individuals who receive such training—

(A) do not have a criminal background;

(B) are not connected to any criminal or terrorist organization;

(C) are not connected to drug traffickers; and

(D) meet the minimum age and experience standards set out in appropriate international agreements; and

(3) the Bureau has established procedures that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards after receiving such training.

(b) **ADVISORY BOARD.**—The Secretary of State shall seek the advice of 10 experts to advise the Bureau on issues related to cost efficiency and professional efficacy of police and security training programs, including experts who are experienced United States law enforcement personnel.

(c) **BUREAU DEFINED.**—In this section, the term “Bureau” means the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(d) **REPORT.**—Not later than September 30, 2006, the Secretary of State shall submit to Congress a report describing the implementation of this section during fiscal year 2006. Such report shall also include the attrition rates of the instructors of such training and an assessment of job performance of such instructors.

**The PRESIDING OFFICER.** Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer appointed Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. BOND, Mr. DEWINE, Mr. BROWNBACK, Mr. COCHRAN, Mr. LEAHY, Mr. INOUE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

**The PRESIDING OFFICER.** Under the previous order, the clerk will report S. 1042 by title.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

**Mr. WARNER.** Mr. President, I rise regarding the pending bill, provided that no other Senators seek recognition on another matter. Seeing none, I wish to accommodate my colleagues whenever possible.

It is now my privilege to once again bring forward for consideration by the Senate the annual Defense authorization bill. I commend my colleagues on the Armed Services Committee. We have a magnificent committee. All members are very active. Our attendance is good and I am proud that this institution has such diligent and hard-working Senators to provide their input to our work on the Armed Services Committee.

I also recognize what I view, and this may be slightly biased on my part, as one of the finest professional staffs of any committee of the Senate. We have had a long history of extraordinary, competent, fair-minded, open-minded people who want to devote their careers to the men and women of the Armed Forces and the causes for which they offer their life and limb, and that of their families.

Their work over the past several months has resulted in this important legislation. We completed the markup of this bill in record time and in the spirit of true bipartisanship. In particular, I am privileged to have the senior Senator from Michigan, Mr. LEVIN, a longtime, dear, and valued friend, as my ranking member and full equal working partner on this committee. He preceded me as the chairman of the committee, but we will not go back into those days, nevertheless.

**Mr. LEVIN.** The glory days.

**Mr. WARNER.** Mr. President, I have the floor.

We have served together on this committee for 27 years and we have, once again, with the other wonderful collection of Senators on this committee and the staff, produced a bill which clearly supports our men and women in uniform and their families, and strengthens the national security of our Nation.

I also want to acknowledge the strong support that we have received from the Republican leader and the Democratic leader of the Senate. These two individuals have teamed up in years past to assist the managers in getting this bill through the Senate. I cannot ever recall stronger leadership by the Senate leaders. Maybe when our distinguished colleague from West Virginia was the leader of the Senate at the time, I know he supported getting this bill through. His membership on this committee for these many years has been of great help to all of us who have been privileged to serve as chairman and ranking member.

The bill before the Senate was unanimously reported out of the committee on May 12. It reflects the strong support for the members of our Armed Forces. The bill provides \$441.6 billion in budget authority for defense programs for the fiscal year 2006, an increase of \$21 billion, or 3.1 percent in real terms, above the amount authorized by the Congress for fiscal year 2005.

At this juncture, I recognize the important contribution given by Senators

STEVENS and INOUE, the chair and ranking member, respectively, of the Senate Appropriations Subcommittee on Defense. It has been their hope that the Senate will act on this bill. Until such time as the Senate does act, it is not likely that they will proceed with the continuation of their deliberations, markup, and the like to bring their important bill to the floor. I say that because I want all Senators to recognize it is the intention of the Senate leadership and the managers of this bill, together with our two colleagues on the Appropriations Subcommittee on Defense, that this bill be acted upon by the Senate prior to the scheduled recess for the month of August.

I mention that because one Senator had very politely said to me: I would like to offer an amendment, but I think I will wait until after the August recess. I politely informed him that it is the intention of all parties that this bill be enacted prior to the August recess. He appreciated my candor.

This amount is consistent with the President's budget request and within the budget resolution adopted by the Congress. The bill also includes authorization for \$50 billion in emergency supplemental funding for fiscal year 2006 to cover the cost of military operations in Iraq, Afghanistan, and throughout the world, together with our coalition partners, on the global war against terrorism.

I also acknowledge that while we put proper emphasis on Iraq, Afghanistan, and the war on terrorism, there are innumerable other missions undertaken night and day by the men and women of the Armed Forces for all aspects of the diverse security needs and requirements of this Nation. Many of them are on the far-flung outposts of the world performing those missions beneath the sea, above the sea, or in the air. We acknowledge with fervent gratitude their contribution, together with all of us who proudly served in uniform, and their families.

The past 3½ years have been a time of great successes and enormous challenges for the U.S. Armed Forces. The mission of our men and women in uniform has never been executed with better skill and dedication. I myself am privileged to have had modest experience in uniform. I have had the privilege of having an association with the men and women in uniform for 60 years. That is a long period of time. Almost without exception, in all those years at some point in time I have had the opportunity to either serve alongside of, or be in support of, the men and women of our Armed Forces. I had a very brief career in World War II, inauspicious as it was, and I had the opportunity to serve in that historic period. I would say unequivocally that, while our generation of World War II was referred to as “the greatest,” this generation is every bit as great if not greater in the complexity of the threats posed against this Nation night and day and the sacrifices they are